

By Mr. THOMAS of Ohio: Petition of F. Ray Truman and others, of Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chardon (Ohio) Grange, No. 1589, for legislation creating a national highways commission and for an appropriation to aid in the improvement and maintenance of public roads—to the Committee on Agriculture.

By Mr. VREELAND: Petition of oil producers of Scio, N. Y., against any change in tariff on crude oil—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of Wellesley (Mass.) Grange, No. 166, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petition of C. R. Stugard and 26 other members of Grange No. 27, of Hughesville, Pa., for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Banks and 15 other residents of Tioga, Pa., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of Washington Valley Grange, No. 171, Patrons of Husbandry, of Martinsville, N. J., for H. R. 15837, in aid of highways—to the Committee on Agriculture.

Also, petition of D. P. Forst & Co., of Trenton, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WOODYARD: Petition of the West Virginia Wholesale Grocers' Association, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the West Virginia Wholesale Grocers' Association, favoring the Sherley amendment to the bankruptcy law—to the Committee on the Judiciary.

## SENATE.

THURSDAY, February 18, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair announces the appointment of the junior Senator from Mississippi [Mr. McLAURIN] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

### MILITARY ACADEMY AT WEST POINT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, by direction of the President and in response to a resolution of the 4th instant, all the papers called for in the matter of having at the United States Military Academy at West Point since January 1, 1908 (S. Doc. No. 731), which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

The message further announced that the House had disagreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the

Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRILETT, Mr. BINGHAM, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution authorizing the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to take into consideration as if in disagreement the portion of the bill relating to the salary of the Secretary of State and also to report on any provision in relation to the law respecting that salary, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8708. An act authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association;

H. R. 17214. An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy;

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906; and

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."

### CREDENTIALS.

Mr. NIXON presented the credentials of FRANCIS G. NEWLANDS, chosen by the legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint memorial of the legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Council joint memorial 4. By Mr. Hanley.

Memorial asking the immediate admission of New Mexico into the Union as a State in compliance with the recent pledges of the two great political parties of the United States.

Your memorialists, the thirty-eighth legislative assembly of the Territory of New Mexico, representing the united sentiment of the people of this Territory, as well as the sentiment of the people of the various States of the Union, as repeatedly expressed in party platforms of the two great political parties of the country, and especially in the two last national platforms of the Republican and Democratic parties of the United States, renew their demand for the admission of this Territory into the Union as a State.

We have now arrived at a point in our history when to further delay this much-desired boon to us would be to discriminate against us as American citizens without cause or excuse. Our population, our wealth, our great area, and our admirable system of public schools are so well and favorably known that it is hardly necessary to refer to them again, but lest all of our Senators and Representatives may not have kept our steady progress in mind, we, at the risk of repetition, submit a few facts for their consideration:

On the 1st day of January, 1909, our population was.....	400,000
Our gold production for the year was.....	\$300,000
Our silver production was.....	ounces..... 500,000
Our copper production was.....	pounds..... 8,000,000
Our lead production was.....	tons..... 2,000
Our coal production was.....	do..... 2,500,000
Our iron production was.....	do..... 125,000

There are in this Territory 120 newspapers, 70 banks, 3,000 miles of railroad, 2,500,000 acres of land under cultivation, 400,000 acres under irrigation, 2,000,000 acres capable of irrigation, 13,000,000 acres capable of dry farming, 40,000,000 acres open for private entry. Our taxable property has a valuation of more than \$250,000,000. For the last sixty years we have been contributing our money to the support of the General Government without any voice as to how the money thus contributed should be expended. The system of government under which we exist is not only unrepresentative, but in its character is autocratic, and opens the door for many abuses. A territorial form of government is wholly incompatible with the interest of the people. It is intolerable to the average American citizen, and is only intended to endure for the brief time required to prepare for statehood. A procrastination of this

right is not justified beyond the point of the inability of the people to support and maintain a state government.

To keep a Territory like New Mexico in territorial bondage when the necessity for so doing has long since ceased to exist, is an undeniable wrong to over 400,000 people, whose record is that of unswerving loyalty and devotion to the General Government: Therefore be it

*Resolved*, That the secretary of the Territory be, and he hereby is, directed to transmit a certified copy of this memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the House of National Representatives, to the members of the committees on Territories in both Houses of Congress, and to individual Members and to the Delegate in Congress from this Territory.

CHAS. A. SPIESS,  
President of the Council.

WM. F. BROGAN,  
Chief Clerk of the Council.

E. A. MIERA,  
Speaker House of Representatives.

E. H. SALAZAR,  
Chief Clerk House of Representatives.

Approved this 10th day of February, A. D. 1909.

NATHAN JAFFA,  
Acting Governor of the Territory of New Mexico.

Filed in office of secretary of New Mexico, February 11, 1909,  
10.15 a. m.

NATHAN JAFFA, Secretary.

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copy of council joint memorial No. 4, passed by the thirty-eighth session of the legislative assembly of the Territory of New Mexico and approved on February 10, A. D. 1909, with the enrolled and engrossed original now on file in this office, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at Santa Fe, the capital, this the 11th day of February, A. D. 1909.

[SEAL]

NATHAN JAFFA,  
Secretary of New Mexico.

The VICE-PRESIDENT presented a joint memorial of the legislature of Utah, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Mr. Wilson.

Memorial asking an appropriation of 3,000,000 acres of arid land for building a state capital and the improvement of public roads of the State of Utah.

Memorial from the governor and legislature of the State of Utah to the President, the Senate, and the House of Representatives of the United States.

To the President of the United States, and to the Senate and House of Representatives of the United States of America in Congress assembled:

The governor and the legislature of the State of Utah respectfully ask that there be donated to the State of Utah 3,000,000 acres of public lands, nonmineral and unallotted, arid and incapable of irrigation, within the State of Utah, to be sold by the State under such rules as Congress may prescribe, the proceeds to be applied equally to the improvement of the public roads of the State and the construction of a statehouse or capitol building for the State of Utah.

Your memorialists represent that the National Government now has within the State of Utah over 37,000,000 acres of public land subject to homestead entry.

Residence thereon while reclaiming can not reasonably be expected, and there is no law now in effect by which title to this land can be transferred to the State.

The cash proceeds of the sale of lands, as suggested in this memorial, will enable Utah to penetrate all sections of the State with good highways. The effect will be to open regions not now considered desirable, and much of the land not distinctly arid, but never likely to be taken up by settlers, will then become in immediate demand.

The mining interests of our State are among its most important assets. For fifty years prospectors have traversed its hills and mountains. Many prospects have been located and many abandoned mines await the advent of roads to mark their development. Supplementing the big highway, to be made possible by the present plan, will be the building of connecting and tributary roads leading to the main line, at the expense of our citizens.

Communication throughout the State will then be rendered easy and pleasant. Settlement, with the consequent appreciation in land values, will naturally follow. Farms feel the influence of good roads, and the fences, the buildings, and even the interior furnishings of the houses will improve with the improved outdoor means of travel.

Utah should have a statehouse. The material is in the State, and its use will vastly benefit every interest of our Commonwealth.

In States where swamp lands were found the Federal Government has ceded large tracts of these lands, and they have been advantageously disposed of for the good of the State and the good of the Nation.

By way of summary, we ask the Government for land not of present value to the Nation and capable under present conditions of becoming valuable. If the grant is made, the value of all the land remaining in government ownership will be greatly increased.

*Resolved*, That copies of this memorial be engrossed and forwarded, one each to the President, the Senate, and the House of Representatives, to Senator REED SMOOT, Senator GEORGE SUTHERLAND, and Congressman JOSEPH HOWELL, with the request that Utah's congressional delegation use every legitimate effort to cause the provisions of this memorial to be enacted into law by the Congress of the United States.

HENRY GARDNER,  
President of the Senate.

E. W. ROBINSON,  
Speaker of the House.

WILLIAM SPRY, Governor.

Approved, February 11, 1909.

[SEAL]

Attest:

C. S. TINGEY, Secretary of State.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, entitled "A memorial asking an appropriation for 3,000,000 acres of arid land," etc., originated in the senate on the 22d day of January, 1909, and was passed by the senate on the 2d day of February, 1909, by the following vote: Ayes 14, nays 0, absent 4.

H. L. CUMMINGS,  
Secretary of the Senate.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, was received in the house on the 3d day of February, 1909, and was passed by the house on the 4th day of February, 1909, by the following vote: Ayes 40, nays 0, absent 5.

ALEX. BUCHANAN, Jr.,  
Chief Clerk of the House.

Transmitted to the governor on the 10th day of February, 1909.

H. L. CUMMINGS,  
Secretary of the Senate.

The VICE-PRESIDENT presented a memorial of the grain committee of the Board of Trade of Louisville, Ky., remonstrating against the passage of the so-called "McCumber bill," providing for the inspection and grading of grain under federal control, and praying for the adoption of uniform standards for the grading of grain throughout the United States, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tucson, Territory of Arizona, praying for the passage of the so-called "statehood bill," which was referred to the Committee on Territories.

He also presented petitions of the Council of Jewish Women, of the Home and School Visiting Committee, and of the Public Education Association, all of New York City, in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of the Ceramic Society of Columbus, Ohio, praying that the appropriation for the maintenance of the clay industry be increased from \$15,000 to \$25,000, which was referred to the Committee on Appropriations.

Mr. PLATT presented a petition of Local Lodge No. 161, Benevolent and Protective Order of Elks, of Saratoga, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Stafford Grange, No. 418, Patrons of Husbandry, of Greene County, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Paddock Cork Company, of Brooklyn, N. Y., remonstrating against the adoption of certain proposed amendments to the agricultural appropriation bill relating to the Bureau of Chemistry, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Public Education Association of New York City, N. Y., and a petition of the Parish Club of the Church of the Ascension, of Mount Vernon, N. Y., praying for the enactment of legislation to create a national children's bureau in the Department of the Interior, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Grocers and Butchers' Association of Chicago, Ill., remonstrating against the passage of the so-called "Sherley bill," amending the present bankruptcy law, and praying for the passage of the so-called "Nelson bankruptcy bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry business firms of Washburn, Ill., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Surgical Trade Association of Chicago, Ill., praying for the repeal of the duty on medical and surgical instruments, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Glen Ellyn, Ill., praying for the enactment of legislation to prohibit the importation and sale of opium and also to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on Finance.

He also presented a petition of the Manufacturers and Shippers' Association of Rockford, Ill., praying for the adoption of certain amendments to the present interstate-commerce law relative to promoting the business interests of the country, which was referred to the Committee on Interstate Commerce.

Mr. ANKENY presented a memorial of sundry citizens of Pullman, Wash., remonstrating against the passage of the so-called "Porter bill," changing the present standard of the bushel to that of the Winchester standard, which was referred to the Select Committee on Standards, Weights, and Measures.



Mr. DEPEW presented a petition of Local Grange No. 1073, Patrons of Husbandry, of Vestal, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Typographical Union No. 6, of New York City, N. Y., remonstrating against the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

He also presented petitions of Local Lodge No. 31, of Syracuse; of Local Lodge No. 863, of Port Chester; of Local Lodge No. 24, of Rochester; and of Local Lodge No. 550, of Kingston, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SUTHERLAND presented a memorial of the legislature of Utah, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Mr. Wilson.

Memorial asking an appropriation of 3,000,000 acres of arid land for building a state capitol and the improvement of public roads of the State of Utah.

Memorial from the governor and legislature of the State of Utah to the President, the Senate, and the House of Representatives of the United States.

To the President of the United States, and to the Senate and House of Representatives of the United States of America in Congress assembled:

The governor and the legislature of the State of Utah respectfully ask that there be donated to the State of Utah 3,000,000 acres of public lands, nonmineral and unallotted, arid and incapable of irrigation, within the State of Utah, to be sold by the State under such rules as Congress may prescribe, the proceeds to be applied equally to the improvement of the public roads of the State and the construction of a statehouse or capitol building for the State of Utah.

Your memorialists represent that the National Government now has within the State of Utah over 37,000,000 acres of public land, subject to homestead entry.

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The mining interests of our State are among its most important assets. For fifty years prospectors have traversed its hills and mountains. Many prospects have been located and many abandoned mines await the advent of roads to mark their development. Supplementing the big highway, to be made possible by the present plan, will be the building of connecting and tributary roads, leading to the main line, at the expense of our citizens.

Communication throughout the State will then be rendered easy and pleasant. Settlement with the consequent appreciation in land values will naturally follow. Farms feel the influence of good roads, and the fences, the buildings, and even interior furnishings of the houses will improve with the improved outdoor means of travel.

Utah should have a statehouse. The material is in the State, and its use will vastly benefit every interest of our Commonwealth.

In States where swamp lands were found the Federal Government has ceded large tracts of these lands, and they have been advantageously disposed of for the good of the State and the good of the Nation.

By way of summary, we ask the Government for land not of present value to the Nation, and incapable under present conditions of becoming valuable. If the grant is made the value of all the land remaining in government ownership will be greatly increased.

Resolved, That copies of this memorial be engrossed and forwarded, one each to the President, the Senate, and the House of Representatives, to Senator REED SMOOT, Senator GEORGE SUTHERLAND, and Congressman JOSEPH HOWELL, with the request that Utah's congressional delegation use every legitimate effort to cause the provisions of this memorial to be enacted into law by the Congress of the United States.

HENRY GARDNER,  
President of the Senate.  
E. W. ROBINSON,  
Speaker of the House.

WILLIAM SPRY,  
Governor.

Approved February 11, 1909.

[SEAL.]

Attest:

C. S. TINGEY, Secretary of State.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, entitled, "A memorial asking an appropriation for 3,000,000 acres of arid land," etc., originated in the senate on the 22d day of January, 1909, and was passed by the senate on the 2d day of February, 1909, by the following: Ayes 14, nays 0, absent 4.

H. L. CUMMINGS,  
Secretary of the Senate.

This is to certify that senate joint memorial No. 1, by Mr. Wilson, was received in the house on the 3d day of February, 1909, and was passed by the house on the 4th day of February, 1909, by the following vote: Ayes 40, nays 0, absent 5.

ALEX BUCHANAN, Jr.,  
Chief Clerk of the House.

Transmitted to the governor on the 10th day of February, 1909.

H. L. CUMMINGS,  
Secretary of the Senate.

Mr. BANKHEAD presented a petition of sundry citizens of Tuscaloosa, Ala., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tuscaloosa, of the Woman's Christian Temperance Union of Lafayette, of the congregation of the Methodist Episcopal Church South of Lafayette, and of sundry members of the Sunday School of the Methodist Episcopal Church South of Lafayette, all in the State of Alabama, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GORE presented a memorial of the legislature of Oklahoma, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint memorial and petition 4. By Mr. Lincoln.

The legislature of the State of Oklahoma to the Hon. James Wilson, Secretary of Agriculture, Washington, D. C.:

Whereas the Deep Fork River, flowing through seven of the counties of the State of Oklahoma, is, on account of frequent overflows caused by its winding channel and the obstructions therein, a menace to the lives, health, and property of the people residing in and along the Deep Fork Valley; and

Whereas a movement is now on foot to straighten the channel of said river, thereby draining said valley, preventing said overflows, removing the menace to health and property, and reclaiming a vast area of the richest lands in the United States; and

Whereas a large per cent of said lands is now owned by full-blood Indians, wards of the Government, whose lands are nontaxable; and Whereas the draining of Deep Fork River, as above, has been pronounced by competent surveyors and engineers as being practicable and feasible and would result in exempting the said valley from overflow: Therefore be it

Resolved by the house of representatives of the State of Oklahoma (the senate concurring herein), That the Secretary of Agriculture of the United States be, and he hereby is, petitioned to authorize and cause the immediate survey of the Deep Fork River, to the end that the proper and necessary steps may at once be taken to straighten the channel of said river; and be it further

Resolved, That copies hereof be forwarded to the honorable Secretary of Agriculture and to our Senators and Representatives in Congress.

BEN F. WILSON,

Speaker of the House of Representatives.

Attest:

GEO. W. BELLAMY,  
President of the Senate.

Mr. GALLINGER. I present a resolution adopted by the house of representatives of the State of New Hampshire relative to the policy of tariff revision. The resolution is very brief, and I ask that it be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,  
HOUSE OF REPRESENTATIVES,  
Concord, February 16, 1909.

Hon. JACOB H. GALLINGER,  
Washington, D. C.

DEAR SIR: I am directed by the house of representatives to transmit the following resolution, passed unanimously by that body:

"Resolved by this body, That the policy of tariff revision announced by President-elect William H. Taft be, and the same hereby is, heartily indorsed, and that the clerk of the house be directed to send a copy of this resolution to President-elect William H. Taft and one to each member of our delegation in Congress."

Very respectfully,

HARRIE M. YOUNG, Clerk.

Mr. GALLINGER presented a petition of local grange, Patrons of Husbandry, of Richmond, N. H., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 879, Benevolent and Protective Order of Elks, of Claremont, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Edward E. Perry, of Washington, D. C., remonstrating against the enactment of legislation to prohibit the sale of firearms in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BULKELEY presented a petition of Local Grange No. 58, Patrons of Husbandry, of West Hartford, Conn., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 372, Benevolent and Protective Order of Elks, of Torrington, Conn., praying for the enactment of legislation to create a national reserve in

the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PAGE presented a petition of Trout River Grange, No. 355, Patrons of Husbandry, of East Berkshire, Vt., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Local Lodge No. 1135, Benevolent and Protective Order of Elks, of Elkins, W. Va., and a petition of Local Lodge No. 482, Benevolent and Protective Order of Elks, of Clarksburg, W. Va., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN presented a memorial of the Central Labor Union, of Lincoln, Nebr., remonstrating against the adoption of the piecework system in the navy-yards throughout the country, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 159, Benevolent and Protective Order of Elks, of Hastings, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Commercial Club, of Omaha, Nebr., remonstrating against the repeal of the duty on wool, which was referred to the Committee on Finance.

He also presented a petition of sundry merchants of Nebraska City, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

#### CHOCTAW AND CHICKASAW ROLLS.

Mr. OWEN. I present a memorial of the Choctaw Indians remonstrating against the reopening of the Choctaw and Chickasaw rolls. I move that the memorial be printed as a document (S. Doc. No. 730) and referred to the Committee on Indian Affairs.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McENERY, from the Committee on Public Lands, to whom was referred the bill (S. 9018) to amend the act of Congress approved March 3, 1903, entitled "An act to amend section 1 of the act of Congress approved March 14, 1898, entitled 'An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska,'" reported it without amendment and submitted a report (No. 1029) thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate \$5,000 for compensation and expenses necessary for the representation of the United States at the third international conference on maritime law, to be held at Brussels, Belgium, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. BANKHEAD, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary, reported it without amendment and submitted a report (No. 1030) thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. OVERMAN on the 15th instant, proposing to appropriate \$25,000 for the establishment of a fish-cultural station at some suitable point in the State of North Carolina, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 11th instant, proposing to appropriate \$80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. DICK, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7048) for the relief

of Serapio Romero, reported it without amendment and submitted a report (No. 1031) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described, reported it with an amendment and submitted a report (No. 1032) thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (H. R. 25396) for relief of applicants for mineral surveys, reported it without amendment and submitted a report (No. 1033) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, reported it with amendments and submitted a report (No. 1034) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate \$70,000 for the construction of two steam launches for the United States Revenue-Cutter Service for duty in the waters of Puget Sound, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

#### CONDEMNED CANNON FOR GRAND ARMY OF THE REPUBLIC.

Mr. KEAN. There is a short measure on the calendar, the joint resolution (H. J. Res. 227) authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic. I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PORT OF RANIER, MINN.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 9017) for the establishment of a support of entry at Ranier, Minn., to report it favorably without amendment, and I submit a report (No. 1024) thereon. I ask for the present consideration of the bill. It is very short.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SALMON M. ALLEN.

Mr. HEYBURN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 8192) permitting Salmon M. Allen to make second homestead entry, to report it favorably without amendment, and I submit a report (No. 1028) thereon.

Mr. PILES. I ask for the present consideration of the bill just reported by the Senator from Idaho.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CONDEMNED CANNON FOR DELAWARE.

Mr. du PONT. I report back favorably from the Committee on Military Affairs, without amendment, the bill (S. 9316) to authorize the Secretary of War to furnish a condemned cannon to the State of Delaware, and I submit a report (No. 1027) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PAUL C. JACOBSON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 287 submitted by Mr. NELSON on the 15th instant, re-



ported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Paul C. Jacobson, father of Walter Jacobson, late a member of the Capitol police force, in the employ of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

#### CONDITIONS AT ARMY POSTS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably Senate resolution No. 280, submitted by the Senator from West Virginia [Mr. Scott] on the 5th instant. I will state that it is the same resolution that was passed at the last session of Congress, and the Committee on Military Affairs asked to have another resolution passed for this session. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpoena witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

#### CONDEMNED CANNON FOR WHEELING, W. VA.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 132) authorizing the Secretary of War to donate two condemned cannon to the city of Wheeling, W. Va., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PREVENTION OF TRACHOMA.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 28164) for the investigation, treatment, and prevention of trachoma among the Indians, to report it favorably without amendment, and I submit a report (No. 1025) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$12,000, to be immediately available, to enable the Commissioner of Indian Affairs to investigate, treat, and prevent the spread of the disease of trachoma among the Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### NATIONAL CONSERVATION COMMISSION.

Mr. PLATT. I move to reconsider the vote by which Senate resolution No. 283, reported by me on the 8th instant from the Committee on Printing, relative to the printing of the special message of the President of the United States transmitting the report on the National Conservation Commission, was adopted.

The motion to reconsider was agreed to.

Mr. PLATT. I am directed by the Committee on Printing to modify the resolution by inserting the words "and illustrations," so that it will read as follows:

*Resolved*, That the special message from the President of the United States transmitting a report of the National Conservation Commission, with accompanying papers and illustrations, be printed in full as a document, taking No. 676 of the present Congress, the number of the document containing the special message of the President transmitting this report.

The resolution as modified was considered by unanimous consent and agreed to.

#### ISAAC N. FORDYCE.

Mr. BULKELEY. From the Committee on Military Affairs, I report back favorably, without amendment, the bill (H. R. 12760) to correct the military record of Isaac N. Fordyce, and

I submit a report (No. 1026) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Isaac N. Fordyce shall hereafter be held and considered to have been honorably discharged from Captain Gilmore's company, First Regiment West Virginia Volunteer Cavalry, as of date of November 19, A. D. 1862; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. CLARKE of Arkansas introduced a bill (S. 9393) for the relief of Prairie County, in the State of Arkansas, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9394) for the relief of the Presbyterian Church at Greenville, Miss.; and

A bill (S. 9395) for the relief of the legal representatives of John Lewis Tindall, deceased.

Mr. BANKHEAD introduced a bill (S. 9396) to provide for circuit and district courts of the United States at Florence, Ala., which was read twice by its title and referred to the Committee on the Judiciary.

Mr. SCOTT introduced a bill (S. 9397) for the relief of the trustees of the Mouth of Greenbrier Baptist Church, of West Virginia, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 9398) providing for the platting and selling of the NW.  $\frac{1}{4}$  of sec. 15, T. 7, R. 10 W., of the Indian meridian, in the State of Oklahoma, which was read twice by its title and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9399) granting an increase of pensions to Daniel T. Rose; and

A bill (S. 9400) granting an increase of pension to George W. Butterfield.

Mr. HANSBROUGH introduced a bill (S. 9401) authorizing the issuance of annuities for old age for employees of the Government and for such other persons as choose to avail themselves of the provisions of this act, which was read twice by its title and referred to the Committee on Finance.

Mr. TALIAFERRO introduced a bill (S. 9402) for the relief of John H. Layne, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 9403) relating to the collection of internal revenue and the issuing of stamps or receipts therefor, and for other purposes, which was read twice by its title and referred to the Committee on Finance.

Mr. WARREN introduced a bill (S. 9404) granting an increase of pension to Arthur Mahar, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 9405) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana, which was read twice by its title and referred to the Committee on Commerce.

Mr. CURTIS introduced a joint resolution (S. R. 135) to provide for the printing of 210,000 copies of the Special Report on the Diseases of Cattle, which was read twice by its title and referred to the Committee on Printing.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SIMMONS submitted an amendment proposing to appropriate \$20,000 for the investigation and for experiments in the manufacture of paper from cornstalks and cotton stalks, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McLAURIN submitted an amendment proposing to appropriate \$980 to pay the claim of David Stewart, administrator of Paul Bentalou, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MILTON submitted an amendment proposing to appropriate \$250,000 for the construction of a steam revenue cutter of

the first class for service at Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. OVERMAN submitted an amendment proposing to appropriate \$15,000 to increase the limit of cost for the site and public building at Salisbury, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. du PONT submitted an amendment proposing that the annual salary of the United States attorney for the district of Delaware shall be, after the beginning of the fiscal year 1910, \$3,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. GORE submitted an amendment proposing to secure by purchase, condemnation, or otherwise the site for the federal building in the city of Lawton, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to acquire by purchase, condemnation, or otherwise, the site for the federal building in the city of Lawton, Okla., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment authorizing the Secretary of the Treasury to cover into the general fund of the Treasury any unexpended balance that may remain of the appropriation of \$3,000,000 made by the deficiency act of March 3, 1899, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

#### IMPROVEMENT OF ARKANSAS RIVER.

Mr. CLARKE of Arkansas submitted the following concurrent resolution (S. C. Res. 101), which was referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of that part of the Arkansas River between Little Rock and Dardanelle with a view of ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

#### WATER FOR POWER PURPOSES.

Mr. STONE. Mr. President, I have in my hand an opinion rendered by the President-elect while Secretary of War relating to the utilization of water for power purposes and a letter from the Chief of Engineers of the Army to the Secretary on the same subject. They are not very long, and I ask that they may be printed in the RECORD for information.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### CIRCULAR No. 14.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, April 4, 1905.

The following report on a bill introduced and considered at the third session of the Fifty-eighth Congress is published for the information of officers of the Corps of Engineers in charge of river and harbor works, it being thought that the important legal propositions discussed, and a knowledge of the department's position regarding the subject-matter, may be of interest and value:

WAR DEPARTMENT,  
January 17, 1905.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, U. S. Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

WM. H. TAFT,  
Secretary of War.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 16, 1905.

Hon. WM. H. TAFT,  
Secretary of War.

SIR: I have the honor to return herewith a letter, dated the 13th ultimo, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon H. R. 16298, Fifty-eighth Congress, third session—

"A bill to provide for and regulate the use of the navigable rivers and streams of the United States for manufacturing, industrial, and other purposes by means of water power obtained therefrom."

2. There are two distinct propositions embraced in the bill, as follows:

(a) To authorize the Secretary of War to grant leases and licenses to private persons or corporations for the use of water power created

by dams and other structures built by the Government on navigable waters for the benefit of navigation.

(b) To empower the Secretary of War to authorize private persons or corporations to construct dams and other structures, and to develop and use water power, at points on navigable rivers where the Government has not built such structures.

3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

4. Many of the provisions of the bill under consideration appear to conflict with these principles of law, and particularly sections 3 and 6, which propose to confer upon the United States, and upon any lessee or grantee under the provisions of the bill, the power to condemn any land or other property bordering on or adjacent to the river or stream to be used. Eminent domain is the right to take property for public uses, and is inherent in the United States by virtue of its sovereignty. Private property can be expropriated by the Federal Government, however, for public purposes only—that is, when it is necessary for the use of the Government in the exercise of any of its legitimate powers. To take, or to authorize the taking of the property of one individual for the use and benefit of another in carrying on a private business or industry, as proposed by the bill, is not a proper exercise of the right of eminent domain. There may be certain enterprises of a quasi-public character, such as electric-light and railway companies, that would desire to avail themselves of the use of water power, and to which the right to condemn private property could properly be granted; but the granting of such right is believed to be a function of the States, inasmuch as the organization and incorporation of these enterprises, as well as the title and ownership of the property affected, are matters for state control and regulation. In view of the foregoing, I am unable to recommend favorable consideration of the bill in its present form.

5. To legislation authorizing the Secretary of War to lease water power created by works constructed by the Government, I see no special objection, but I know of no demand for it in the public interest.

The right of Congress to regulate, control, and dispose of such water power is believed to be unquestionable, inasmuch as the power constitutes a valuable property created at the public expense, and when utilized by private persons or corporations should be paid for. Whether a general policy of this kind should be adopted, however, is a question that should be very carefully considered. Locks and dams are built and operated for the purpose of facilitating navigation and commerce, and nothing should be permitted that would tend to impair their usefulness or interfere with their operation for this purpose. Partnerships or quasi partnerships between the Government and private persons or corporations have not been generally favored in the past, as experience has shown that they are apt to be attended by many annoying complications. I do not believe that sufficient revenue would be derived from renting water power to compensate for the trouble and inconvenience that might ensue from the adoption of such a policy. Congress has heretofore authorized the renting of land and water power at the locks and dams on the Muskingum River and Green and Barren rivers; but it is understood that this was done for the reason that at the time these works came into the possession of the United States there was in existence a number of leases granted by the former owners which constituted an easement on the property, some of which leases had many years to run. In cases where a new privilege is asked, it has been customary to invite public competition, setting a minimum price; but no active competition has been developed. There is also one company which uses land and water power at Lock No. 4 on the Kentucky River, under a lease granted by the State of Kentucky, which expires in 1977. During the past fiscal year there were in existence 27 different leases, and the total gross revenue received by the Government was only \$4,500, and in a number of instances in the past the Government has been compelled to resort to suits against lessees to collect the rental. While many applications would be made for permission to use government water power, if no charge was made therefor, it is believed that few leases would be made, and then only at favored localities, if adequate compensation were exacted. In the river and harbor act of June 13, 1902, Congress authorized the leasing of water power at the locks and dams on the Cumberland River. Before the enactment of this law a number of persons appeared to be desirous of using water power in this river, but although the law has been in existence more than two years not a single lease has been applied for or granted. If, however, Congress should decide to adopt this policy, I beg to recommend that the legislation take the form of the accompanying draft of a bill which, in my opinion, is so drawn as amply to protect the interests of the Government.

6. Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by state laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation. Sections 9 and 10 of the river and harbor act of March 3, 1899, cover cases of this kind, and under this law the interests of the Government can, in my opinion, be better protected than by a law general in its scope, as contemplated by the bill. I do not favor the proposed legislation, but if any is enacted, it should be permissive in its character, simply giving the consent of Congress, with suitable limitations, to the erection of the necessary structures in navigable streams for the development of water power, this consent to be executed through the Chief of Engineers and the Secretary of War, to whom should be left entire control in the matter of plans and details.



A draft of a bill embodying these views is submitted herewith for the consideration of the committee.

Very respectfully,

A. MACKENZIE,

Brigadier-General, Chief of Engineers, United States Army.

By command of Brigadier-General Mackenzie:

FREDERIC V. ABBOT,  
Major, Corps of Engineers.

Hearing before Hon. William H. Taft, Secretary of War, in connection with the development of the Illinois Valley water power:

WAR DEPARTMENT, DISTRICT OF COLUMBIA,  
February 23, 1907, 10.30 a. m.

Present, Brig. Gen. Alexander Mackenzie, Chief of Engineers, United States Army; Mr. I. Randolph, representing the State of Illinois; Hon. H. M. SNAPP, Mr. J. W. Woermann, and Mr. Charles A. Monroe, representing the Economy Light and Power Company.

Secretary TAFT. Gentlemen: As I understand this application, it is to prevent me from granting a permit to any person on the Des Plaines River to build a dam for water-power purposes, on the ground that the State is interested in supervising that matter itself. Is that about the size of it?

STATEMENT OF MR. I. RANDOLPH ON BEHALF OF THE STATE OF ILLINOIS.

The position of the State, as I understand it, is this: I am appearing in this matter at the present time for the State, because, as I understand, the Sanitary District has no interest in the present application whatever. The work of the Sanitary District, however, has made possible the development of very, very important water power on the Des Plaines and Illinois rivers. Prior to the completion of that work the water powers on the Des Plaines River were inconsequential. They amounted to but little. The water power on the Illinois River was somewhat better. There was no development at Marseilles. But the opening of the sanitary district naturally has turned into those rivers a permanent volume of water, which makes the development of the water powers possible on quite a valuable scale.

The interest of the State in this is to see that this asset is developed to the fullest extent and that it shall be so developed as not to interfere with the creation of a waterway such as the State hopes to see put through.

Mr. SAPP. If the General Government has no right either in this property or to the water power developed thereby, there can properly be no determination of this matter by any of the officers of the Government. Now, as a matter of fact, all the property interest in the Des Plaines Valley belongs to private parties. There is absolutely no public ownership of any land in the Des Plaines Valley. The stream is not a navigable stream. In low water the entire flow of the Des Plaines River would come probably through a 6-inch pipe. It falls down hill, falling 100 feet in less than 30 miles. Neither the flow of the water nor the contour of the land makes the stream navigable, and it has been so held.

Secretary TAFT. You say the Des Plaines River is not a navigable stream?

Mr. SAPP. It is not a navigable stream either in law or in fact. It could not be navigated in low water, in the natural condition of the river, by a birch-bark canoe.

Secretary TAFT. How do we get any jurisdiction of it, General Mackenzie?

Mr. SAPP. Let me answer, Mr. Secretary, as a lawyer. You undoubtedly have none, and I was going to bring to the attention of the Secretary—

Secretary TAFT. Why do you come here for a permit, then? Mr. Sapp then explains that they did not come for a permit, but for advice to be more safe to proceed.

Mr. Randolph then states that the river is meandered by the surveys, and thinks that might make it navigable. Secretary Taft answers that has nothing to do with determining whether the river is navigable. A long conversation follows, after which Secretary Taft rendered the following decision, taken down in shorthand and now on file in the War Department with the Chief of Engineers:

#### OPINION.

There are two answers to the contention of the State of Illinois in this matter. The application, if I understand it—and it is rather informal than otherwise—is for this department to take no official action which may interfere with the state control of the water power, which may be developed in the Des Plaines River under a proposed improvement by the construction of a 14-foot waterway; and also to take no action which may interfere with the waterway as a waterway.

There are two answers to that. The department is not going to take any action, and has not taken any action. The advisory step, taken at the instance of Mr. Sapp, or the persons who intended to put some sort of water-power construction in the Des Plaines River, was extra official, and really was beyond the authority of the Chief of Engineers, except as he was accommodating to express an opinion in the interest of explanation. The truth is that the Des Plaines River, not being a navigable stream, no permit was necessary to put any obstruction into it which the War Department could prevent. But even if it had been a navigable stream, and even if the application had been made, and properly made to this department, to say whether this would interfere with navigation if the department concluded it would not interfere with navigation, then it is not within the power of the department to withhold its expressing such an opinion and granting such a permit, so far as the United States is concerned, for the purpose of aiding the State in controlling the water power. If the State has any control over the water power, which it may exercise in conflict with the claimed rights of the riparian owner, then it must exercise it itself, through its own legislation and through its own executive officers. All the United States does, assuming it to be a navigable stream, is merely to protect the navigation of the stream. With reference to the water power, it has no function except in respect to water power, which it itself creates by its own investment in property that it itself owns; and then, of course, it may say how that water power shall be used.

But with respect to the water power on a navigable stream, which may be exercised without interference with the use of the river for navigation purposes, that is controlled by the laws of the State. It is controlled by the riparian ownership and by the common law as it governs those rights. Therefore I do not see, with reference to this matter, that this department has any function to perform or which it can perform.

It has merely offered a friendly suggestion, with reference to a possible improvement of the river, which has not been authorized and

which until it is authorized can not be regarded as giving any right to this Government to interfere in the use of the stream, the proposed action of the private owners here would not be in conflict with such a plan. That is an expression of an opinion with reference to existing plans, but not with respect to existing conditions.

Therefore what General Mackenzie has done, out of the kindness of his heart, does not commit this department to any assertion of authority in the matter and certainly does not carry us to the necessity of retracing our steps and saying that they shall go on with this when we had not any power to interfere at all.

It is not that we approve this; it is not that we disapprove it. It is that we have nothing whatever to do with it. That is the truth of it. If the State wishes to control the matter of the water power, then it is for the legislature, through which it can express that view, in so far as it may constitutionally affect it by legislation.

General MACKENZIE. That is virtually what was told the governor, Mr. Secretary, and this is the result of one of our intersements.

Secretary TAFT. All right; I think that disposes of it.

#### PREVENTION OF TRACHOMA.

Mr. BURKETT. Mr. President, in common with a good many Senators, I have been receiving a circular letter with reference to some questions concerning immigration. After receiving a good many of them, I sent some copies to the Bureau of Immigration and Naturalization and asked for information upon the question. I have this morning with me a copy of the circular that has been coming to us by the hundred. I ask to have it put in the Record, and also to have read to the Senate the reply of the Commissioner-General of Immigration.

There being no objection, the circular letter was ordered to be printed in the Record, as follows:

HON. E. J. BURKETT.

United States Senate, Washington, D. C.

DEAR SIR: The undersigned takes liberty to call your attention to the inhuman and often brutal treatment of German-Russian immigrants on account of the disease of their eyes. Numerous cases have been published in the Dakota Freie Presse, where immigrants, before leaving their country, had their eyes examined by a specialist, were then examined at the port before boarding the steamer and were declared healthy; but on arrival at Ellis Island were refused to land on account of suffering from trachoma, which, in many cases, was not at all trachoma, according to the diagnosis of European specialists, but simply an inflammation of the eyes from being exposed to wind, dust, bad air in the steerage, and sleeplessness, which could easily be cured within a short time, were they given the proper treatment. But, as the practice now is, the sick members of the family are sent back to Europe regardless of the helpless condition in which they are. After having sold all their property in the old country, they, in many cases, have just enough money to pay their fare to the destination in some German-Russian settlement in the United States, where relatives and friends would take care of them. After being examined by specialists in Europe they board the steamer convinced of being healthy. Now imagine their fate, when, at their arrival at Ellis Island and near their destination, they are told that one or more of their children will not be allowed to land, and will be returned to where they came from! Often the whole family returns heartbroken, ruined, homeless, hopeless, to lead the life of paupers; often the mother, with the refused children, returns to the old country, while the father, with the admitted children, goes on to find a homestead in the prairies of the Dakotas or some other State. In some cases the mother will find work as a washerwoman or servant in Liverpool, Antwerp, Bremen, or Hamburg, while her sick children are treated and her husband over here works diligently to earn money enough to support his beloved ones on the other side of the ocean. After the children have been declared cured, they and mother again board the steamer and sail for America, but often they will be turned out a second time, and there are cases where people have tried three times in vain to land on our shores.

Our Constitution is built upon a humane basis; our laws are more humane than those of European countries; still our President Roosevelt appeals in his last message to our courts to give our Constitution and laws a more humane appliance. If anywhere more humanity is needed in the appliance or execution of our immigration laws, and I believe the remedy will be found if the cause of the evil is known. It is un-American to destroy family happiness. We have recently appropriated \$500,000 for the sufferers in Italy. Perhaps one-eighth of this amount would avoid all the suffering that is now brought to hundreds or thousands of families every year through the enforcement of our immigration laws.

There are, in my opinion, many ways to a remedy. One would be to station an American physician in each European port, where the inspection should be final. An immigrant, who passes such examination before he goes on board should be allowed to land here. Another and a more humane idea would be to erect a proper hospital at Ellis Island, where all those suffering from trachoma or inflamed eyes should be treated and cured at a minimum expense to themselves. If our Government would erect such a hospital, employ specialists, and cure the suffering immigrants, they or their relatives would willingly agree to pay for their board rather than be returned to Europe. Thousands of German-Russians, now prospering American citizens, would gladly contribute to such humanitarian institutions, as many expressions to the Dakota Freie Presse indicate.

Something ought to be done to take this brutal point from our immigration law and prove to the world that we are a humane nation in every respect. To this end I most respectfully ask your help and cooperation. It might be advisable to have a committee appointed to investigate this matter and to find ways and means for a remedy. I would refer you to Dr. C. C. Young, of Wichita Falls, Tex., who has made some personal investigations in the matter, and who could give you some valuable information. By giving this matter your best attention and quick action you will earn the gratitude of the entire German-Russian population of the United States.

Yours, very respectfully,

NIC. OCHSNER, Sutton, Nebr.

The VICE-PRESIDENT. The Secretary will read the letter sent to the desk by the Senator from Nebraska.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,  
BUREAU OF IMMIGRATION AND NATURALIZATION,  
Washington, February 17, 1909.

Hon. E. J. BURKETT,  
United States Senator, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, transmitting several copies of a printed circular letter bearing various signatures, the purport of this circular being that Russian-German immigrants are improperly treated and discriminated against in the matter of medical examination at Ellis Island, which results in their rejection on account of being afflicted with the disease known as "trachoma."

The party who prepared this circular evidently believes that the passing of these persons by medical examiners employed by the steamship companies at foreign ports should be all-sufficient, but it only need be pointed out that the immigration act of February 20, 1907, prescribes that the physical and mental condition of aliens shall be determined by duly designated United States Public Health and Marine-Hospital surgeons. The assertion that there is discrimination against one particular class of arrivals is hardly worthy of denial, as you will realize how improbable such a condition could be.

The steamship companies are under penalty of \$100 for each alien brought to this country who is afflicted with a loathsome or dangerous contagious disease that might have been detected at the port of embarkation by a competent medical examination; that the companies may fall to carry out their obligation to their passengers by adopting proper measures to avoid the hardship of a fruitless voyage is something that this Government can not control, except by the imposition of fines of the character mentioned, and there has been no leniency shown with respect to enforcing this feature of the law. On the other hand, large numbers of arriving aliens who have been found to be diseased were allowed hospital treatment at the expense of their relatives or of the Government, to avoid the peculiar hardship which is always involved in separating the members of a family.

The suggestion that medical officers employed by this Government be stationed at the various foreign ports of embarkation is impracticable, as this proposition was exhaustively considered some time ago and it was ascertained through the Department of State that several of the foreign governments objected to the assignment of American medical officers at their ports for the purpose of examining aliens about to embark for the United States. Furthermore, such examination would not satisfy the requirements of section 17 of the immigration act, which prescribes a medical examination at the port of entry and which would undoubtedly lead to the rejection of many aliens for physical causes which could not be detected at the time of embarkation, but would, nevertheless, bring such aliens within one or more of the classes specifically excluded by the statute. The hardships incident to deportation would therefore only be partially mitigated by the adoption of the plan suggested.

In conclusion, I desire to invite your attention to the fact that the circular letter referred to carefully refrains from mentioning any specific case as a basis for the allegations therein contained; and if you would like to examine the papers relating to the cases in which Dr. C. C. Young, of Wichita Falls, Tex., was interested, the files are open for your inspection, and I invite you to examine them, feeling certain that after doing so you will concur in the conclusion that Doctor Young has been accorded more consideration than the methods which have been adopted by him really justify.

Respectfully,

DANL. J. KEEFE,  
Commissioner-General.

Mr. BURKETT. I move that the letter and the circular be printed in the form of a document (S. Doc. No. 729) and referred to the Committee on Immigration.

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 17, 1909:

S. 9295. An act in relation to the salary of the Secretary of State.

On February 18, 1909:

S. 1574. An act to create the Calaveras Bigtree National Forest, and for other purposes; and

S. 3969. An act to amend the laws of the United States relating to the registration of trade-marks.

#### HOUSE BILLS REFERRED.

H. R. 21492. An act to authorize the sale of public lands was read twice by its title and referred to the Committee on Public Lands.

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880, was read twice by its title and referred to the Committee on Commerce.

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain was read twice by its title and referred to the Committee on Foreign Relations.

#### POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to call up the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, and I ask that the formal reading of the bill be dispensed with and that the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Pennsylvania?

Mr. LA FOLLETTE. Mr. President, I interpose an objection for a moment, to say just a few words, if I may be permitted.

This bill was reported yesterday from the committee. It is a bill of thirty-odd pages and carries, as I am informed upon inquiry, some \$235,000,000. The bill does not show on its face the total amount appropriated. It is accompanied by a report of five lines, which gives no information whatever with respect to the changes that have been made in the bill by the Senate committee.

If I understand the request the chairman has just made, it is to take up the consideration of this bill for action upon the Senate committee amendments at once. It is proposed to proceed without any statement by the chairman as to the changes made by the Senate committee to the House bill and without any light whatever that will aid Senators intelligently to pass upon these amendments.

Mr. President, I make a protest against this form of proceeding. This bill has been in the possession of the Committee on Post-Offices and Post-Roads for twenty days. They found it necessary to spend that amount of time upon it. It seems to me that the Senate is entitled to a little time after the printing of a bill to examine it and make some inquiry in respect to it. It is not an unreasonable request to make of the chairman that the bill shall go over at least for one day. Even that allows small opportunity to Senators who feel a responsibility for legislation to make any investigation.

Mr. PENROSE. Mr. President, the bill reached the Senate from the House January 28, and it has been accessible to any Member of this body since that date. The Senate Committee on Post-Offices and Post-Roads has made very few changes in the bill as it came from the House. About \$56,000 has been added to this enormous appropriation by the Senate Committee on Post-Offices and Post-Roads, or rather there is that difference between the amount carried by the bill as it passed the House and the bill as reported from the Senate Committee on Post-Offices and Post-Roads.

What few changes have been made in the bill have, I believe, with one single exception, been made on the particular and special request of the Postmaster-General or one of the Assistant Postmasters-General. Within my recollection, and I have been ten years upon the Committee on Post-Offices and Post-Roads, there has not been a bill reported that required less explanation or in which fewer changes have been made than the present measure.

I hope the Senator from Wisconsin will not delay the proceedings on the bill by persisting in his objection.

Mr. LA FOLLETTE. I am very glad to have had that much explanation given with respect to the bill and the changes made in it. Since the opening of the session, about thirty minutes ago, when I found the printed bill upon my table, I have made some calculations with respect to decreases and increases in its appropriations. It appears that the decreases amount to \$198,000, and the increases to some \$337,000, a net increase of \$139,000 in the bill as it came from the House. I may be mistaken about it, because I have had to make my calculations very hurriedly.

Mr. PENROSE. The Senator has made them hurriedly, and he is mistaken.

Mr. LA FOLLETTE. I want to say just this, Mr. President, that I protest against any bill of this magnitude and importance coming to the Senate without a report that gives any information whatever with respect to it. And I object to the implied criticism which confronts a Senator every time he rises here to make what is only a reasonable and proper request for an opportunity to get a little information before he is required to vote upon these important matters.

I hope the chairman will feel that the exigencies of the situation are not such as to compel him to force the consideration of the bill to-day. A day might disclose changes that would lead a Senator to wish to visit the Post-Office Department, since we have no report and no information furnished with respect to these changes.

I for one would like to have an opportunity to read the bill with some care, such as I can not give to it in the confusion of the session. I trust the chairman will grant that indulgence, and permit the bill to go over until to-morrow morning. For my part I should be perfectly willing that the session should start earlier to-morrow morning, but I should like that small opportunity to inform myself with respect to the bill.

Mr. PENROSE. As the reading of the bill progresses I shall very cheerfully give the Senator any information he may desire as to any item. He could not in twenty-four hours know much more about the bill than he does to-day.



Mr. LA FOLLETTE. If the Senator will permit an interruption, that method of proceeding places every Senator who makes an inquiry completely at the mercy of the view of the Senator who is informed and who makes the explanation. Sometimes a Senator finds, when explanations have been made, that if he could have had a little further information than was given he might have arrived at a very different conclusion with reference to the matter. Or he might have interrogated the Senator making the explanation and still more light might be thrown upon the subject. I believe that we shall make more progress and better progress with the consideration of this bill and every other appropriation bill if a reasonable time is allowed after the bills are reported before their consideration is forced upon the Senate.

Mr. PENROSE. I should like to ask the Senator whether he has made any effort up to the present time by reading the testimony taken before the Committee on Post-Offices and Post-Roads of the House or in any other way to familiarize himself with this subject?

Mr. LA FOLLETTE. I have not been able to give any attention to that subject. Now, I am frank to say that one reason why it seems to me that in a degree that matter would be somewhat fruitless is that we never know what changes are to be made. A bill comes to the committee of the Senate from the House. It may be wholly changed, and the Senator and all of us, I think, are pressed with the duties that devolve upon us. A Senator does not want to make a fruitless expenditure of time upon a bill. If he could know that the testimony taken before the other body and the bill as it came from the other body would be subjected to very few changes, and the testimony which he wades through would have application to the bill in the form in which it is to come before the Senate, then it would be a very different proposition.

The Senator says there are very few changes made in this bill. I find on running it over that they appear on a great many pages. I do not know the significance. I should like to know.

Mr. PENROSE. Mr. President, I shall be very glad, as the reading of the bill progresses, to explain anything that the Senator may desire and which may be obscure to him, but I must persist in my request.

Mr. LA FOLLETTE. Then I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made.

Mr. PENROSE. I move that the Senate proceed to the consideration of the post-office appropriation bill.

Mr. LA FOLLETTE. Mr. President, I think I have made my purpose clear here. I am not obstructing legislation.

Mr. PENROSE. I have made a motion, and debate is out of order.

Mr. LA FOLLETTE. I am seeking, and will get if I can, light on these important bills.

Mr. PENROSE. I have moved that the Senate proceed to the consideration of the post-office appropriation bill.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill No. 26305.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, and that it be read for the purpose of the consideration of the committee amendments.

Mr. LA FOLLETTE. To that I object, Mr. President.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I hope the Senator from Wisconsin will be attentively at his desk while the bill is being read.

Mr. LA FOLLETTE. Mr. President, I discharge my duty on this floor as I see it without any suggestion from the Senator from Pennsylvania.

Mr. PENROSE. I ask that the bill be read.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. GARY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. I yield to the Senator from South Carolina, as he has given notice to the Senate that he desires to address the Senate this morning.

#### THE IMMIGRATION COMMISSION.

Mr. GARY. Mr. President, I ask that Senate resolution No. 279 be now laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution referred to by the Senator from South Carolina, which will be read.

The Secretary read resolution No. 279, submitted by Mr. GARY on the 4th instant, as follows:

*Resolved*, That the Immigration Commission, created by section 39 of "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, be, and hereby is, directed to report forthwith to the Congress a brief summary of its acts, doings, and present work, together with an itemized statement of its expenditures, giving the amounts, purpose for which spent, to whom and for whom or what paid, and a list of all persons that have been or now are employed by the commission, directly or indirectly, their residence at time of appointment, the length of service, salary paid, and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time it will take the commission to complete its labors and make its recommendations and final report.

Mr. GARY. Mr. President, in view of the short time remaining of this session, and the large number of appropriation bills yet to be acted upon, I am not unmindful that the time of this body is precious. I would be loath to consume any part of it, but, for reasons that must be manifest, I must speak now or not at all. Besides, Mr. President, there is no problem of more vital interest to the American people, or one more urgently calling for solution, than the problem of immigration. The subject embraces not only the constant importation of hordes of illiterate, unassimilable, and undesirable citizens from the cesspools of Europe, but it embraces the invasion of the Pacific slope by the yellow man from the Orient as well. Whatever may be the feelings excited in us when we consider the two classes, whether they be feelings of admiration or disgust and loathing, still the ultimate effect upon the peace, morality, and homogeneity of our race will be the same from each class if the importation is unchecked. He must, indeed, be an optimist with childlike faith who can contemplate the situation without concern for the future of our country, now menaced on both the Atlantic and Pacific coasts.

The problem is one which, like Banquo's ghost, will not down, no matter how much we may desire to repress or shun it. But it should be approached with the calmest judgment, the highest patriotism, and the most enlightened statesmanship; and, as the Senator from Nevada well says, "No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy."

It will be recalled that the Congress of the United States, on account of a disagreement between the two Houses on the enactment of an immigration restriction bill that would tend to solve the problem, inserted a provision in the immigration act, for the appointment of a commission of nine, composed of three Senators, three Representatives, and three laymen, to be appointed by the President, for the purpose of making an investigation, in the United States and abroad, of the subject of immigration with a view of determining what the conditions are and with a view of determining what legislation should be enacted. This commission was appointed two years ago. The provision which created the board required that a report should be made to Congress. It will be recalled, too, that this commission is practically unlimited as to the amount it may spend, and is unlimited as to the number of persons it may employ in its service. Whether or not the provision creating this immigration commission was enacted for the purpose of sidetracking and preventing needed legislation, as some have asserted, is not for me to say. Such a suggestion would serve no good purpose at this time. It is proper to say, however, that from a commission so constituted and so unhampered, the American people had a right to expect, before now, some light and some suggestion as a basis for legislation against the evil conditions that surround us, and which each day multiply. The books of the auditor and vouchers show that this commission has already expended upward of \$358,000, and the end is not yet.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. GARY. I do.

Mr. FLINT. I should like to ask the Senator a question just at that point. Does the Senator know what salaries are being paid to these commissioners?

Mr. GARY. I was coming to that. I know the salaries of some of them. There is a professor in one of the colleges who, as one of the commission, if I am reliably informed, gets a salary of \$7,500 a year and two hundred or three hundred dollars a month expenses. There is among the employees a secret-service man, as I understand, who has been at work in

the southern part of California and on the Mexican border. His salary would amount to seven or eight thousand dollars a year, as he drew over a thousand dollars for the month of March, 1908. I presume he gets about that amount monthly. As to the salaries of the others, I am not informed.

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. Mr. President, I think it is only fair to the appointing power that a statement should be made as to the salaries of the commissioners. The Senator from South Carolina is aware that there are three Senators upon this commission and three Members of the House of Representatives, who receive no salary whatever, and that every member of that commission is giving a very large amount of work to the purposes of the commission.

Under the act the President appointed three commissioners—Professor Jenks, of Cornell University; Mr. William R. Wheeler, of California; and Doctor Neill, the Commissioner of Labor. The President fixed their salaries at the sum received by Members of Congress—that is, \$7,500 a year. Professor Jenks is receiving that salary and giving substantially all of his time to the work.

Mr. Wheeler is the Assistant Commissioner of Commerce and Labor, receiving a salary of \$5,000 a year from that source, and he receives the balance of \$2,500 under this act. I can say the same as to Doctor Neill, who is the Commissioner of Labor.

Mr. BAILEY. I want to say that there never was an hour when this man Neill could earn one-third of \$7,500 a year outside of the government service.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from California?

Mr. GARY. Certainly.

Mr. FLINT. I simply want to ask the Senator from Vermont [Mr. DILLINGHAM] another question before he takes his seat, in reference to whether these commissioners are devoting their entire time to this work and receiving a salary of \$7,500 a year?

Mr. DILLINGHAM. Mr. President, I understand that Professor Jenks is giving substantially all of his time to the work. As to the other two commissioners, they are engaged in the work I have already indicated, in the positions which I have named, and the salaries received there are deducted from the salaries fixed by the President for their services as members of the commission.

Mr. NEWLANDS. Mr. President—

Mr. FLINT. In other words, Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nevada?

Mr. GARY. Certainly.

Mr. NEWLANDS. I understood the Senator from South Carolina to state that the total expenses thus far had been about \$350,000.

Mr. GARY. Three hundred and fifty-eight thousand dollars.

Mr. NEWLANDS. They have been \$358,000. The Senator from Vermont [Mr. DILLINGHAM] has stated that the salaries in the aggregate amount to about \$22,500 a year—three salaries of \$7,500 each.

Mr. BACON. Not that much, for the salaries received from other sources are deducted.

Mr. NEWLANDS. Yes; as the Senator from Georgia well says, the salaries received from other sources by the Assistant Secretary of Commerce and Labor and the Chief of the Bureau of Labor, I believe it is, must be deducted, amounting to about \$10,000, so that the total amount paid for salaries out of this appropriation is \$12,500 per annum. I inquire of the Senator what the remainder of this large sum of \$358,000 is made up of?

Mr. DILLINGHAM. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Vermont?

Mr. GARY. Certainly.

Mr. DILLINGHAM. If I may be allowed to make a suggestion at this point, it may save time. Of course, I had no intimation what was to be said by the Senator from South Carolina or what direction this debate would take. I have not, of course, with me this morning the papers and data with which to answer all these questions. Had I known the discussion was to take this trend, I would have had them. I do not run away from any inquiry. I do not run away from any debate on this subject. I heartily favor the resolution or a substitute which will make it even better than it is, which I understand the Senator from South Carolina desires to offer; and I would be very glad this morning if the Senator could be allowed

to make his speech. I will favor his resolution, and I will see that the commission sends to the Senate the fullest kind of a report upon every subject covered by it.

Mr. BACON. I desire to ask the Senator from South Carolina, with his permission, by whom were the appointments to be made?

Mr. GARY. By the commission, I assume. That is the information we want to secure by this resolution.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. GARY. Certainly.

Mr. MONEY. The Senator said, or I thought he said, that the President had fixed the salary of the men appointed at \$7,500 a year. Was that authority given him by the act?

Mr. GARY. The appointment of the citizen members of the Immigration Commission is an absolutely distinct, separate, and independent matter from the special commission appointed February 24, 1906, and about the legal creation of this latter special commission I do not know. I was merely bringing it up to show that the employment of Michael Clayton, who was paid at the rate of \$7,000 or \$8,000 a year, was simply a duplication of work.

Mr. MONEY. Is the Senator able to tell me by what authority the President of the United States fixes the pay of anybody whom he appoints?

Mr. GARY. As I said, I do not know what legislative authority the President had for appointing the special commission which he appointed on February 24, 1906. The immigration act of February 20, 1907, gave him authority to appoint three citizen members of the immigration commission created thereby, and to fix the salaries of these three.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the junior Senator from South Carolina yield to the senior Senator from South Carolina?

Mr. GARY. Certainly.

Mr. TILLMAN. Has the Senator discovered that this man Clayton has given any new information, or is he merely traveling over the same old route and repeating practically the same information that the other officers have already given?

Mr. GARY. That is the point I was making, that he is simply duplicating the work that has recently been done by a special commission appointed by the President and by Commissioner Braun, who had done it officially and filed his report with the Department of Commerce and Labor, and a part of whose report is to be found in the annual report of the Commissioner-General for 1907.

Mr. BACON. If the Senator from South Carolina will permit me, I should like to ask the Senator from Vermont a question.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. GARY. Certainly.

Mr. BACON. The Senator from Vermont stated that the three commissioners, outside of the Members of the Senate and House serving on the commission, had had their pay fixed by the President. I understood him to say that.

Mr. DILLINGHAM. By the President.

Mr. BACON. Does the act authorize that?

Mr. DILLINGHAM. I do not remember whether there is a special provision in the act for that; but my impression is that such a provision was inserted.

Mr. BACON. I hope the Senator will look at the act and inform us, because, while it is true that we are to have the report subsequently, when this matter passes from our attention we do not have time to look up these reports, and I should like to know, while this debate is going on, whether or not the act does authorize this, or whether the President has done it voluntarily.

Mr. DILLINGHAM. I will procure a copy of the act and look that up.

Mr. GARY. Mr. President, to proceed at the point where I left off when interrupted.

On the pay roll there is one man whose salary is \$7,500 per annum in addition to his expenses, which amount to about \$200 per month. I am reliably informed that this man has not lost a day from his regular work as professor since his employment by the commission. He is ready to report as to his work, yet his salary continues. Another expensive employee of the Immigration Commission is Michael Clayton. According to the CONGRESSIONAL RECORD, under date of January 26, ultimo, this secret-service man has been looking into the smuggling of Japanese and Chinese coolies over the Mexican border, a matter fully investigated by a special commission, composed of R. M. Easley, J. W. Jenks, and J. B. Reynolds, appointed by the President February 24, 1906, whose report is in the hands



of the Department of Commerce and Labor, and by such able, fearless investigators as Marcus Braun, whose findings of enormous smuggling were published in part by the Commissioner-General in his annual report for 1907. Clayton's total salary and allowances for the month of March, 1908, were \$1,025, made up of \$20 per diem compensation, \$8 per diem hotel allowance, and over \$5 per diem traveling expenses.

There are many and apparently well-founded complaints as to the lax enforcement of such restriction laws as we now have which are intended to prohibit the importation of undesirable aliens. There are complaints that the existing laws are inadequate; yet the light so much desired and the suggestions so impatiently awaited, have not been forthcoming. The resolution we are considering seeks to bring forth at an early day a report from this commission.

That the existing conditions are viewed with alarm by thoughtful men, men who have the welfare of our country at heart, must be obvious to all. The action of state legislatures, immigration conferences, national and state farmers' unions, patriotic societies, commercial clubs, newspapers, and all other organizations, societies, and representatives of public opinion, show most conclusively that the subject is a live one and one demanding attention. Certainly the agricultural elements of the South and West are alive to the situation and are calling in no uncertain tones that something be done to check the influx. Listen to the demand, if you please, of the representatives of two millions of farmers assembled in national convention:

*Resolved*, That the Farmers' Educational and Cooperative Union of America, in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing two millions of farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx, by means of an increased head tax, a money requirement, the literacy test, and other measures; and that we call upon our public and especially our state officials, to prevent the agricultural sections from becoming a dumping ground for foreign immigration.

Of the same tenor are the resolutions passed in June, 1907, by the last National Council Junior Order United American Mechanics, representing thousands of patriotic workmen.

To the same effect and equally as strong are the resolutions passed by the American Federation of Labor at its last annual convention at Denver, Colo., November 14, 1908.

Equally emphatic are the resolutions passed by the General Assembly of the Knights of Labor at Washington, D. C., November, 1908.

From another source, but quite as significant, are the resolutions of the legislature of the State of Virginia passed last winter unanimously by both houses:

*Resolved by the senate of Virginia (the house of delegates concurring)*, That our Representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black Hand murder societies, and with no characteristics to make them with us a homogeneous people, believing as we do that upon Anglo-Saxon supremacy depends the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

I might also cite the message of President Roosevelt to Congress in December, 1905, a short time before this commission was created, in which he says:

The question of immigration is of vital interest to this country. In the year ending June 30, 1905, there came to the United States 1,026,000 alien immigrants. Moreover, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activities of agents of transportation companies. These agents are distributed throughout Europe, and by offer of all kinds of inducements they wheedle and cajole many immigrants, often against their own interests, to come here. The most serious obstacle we have to encounter in the effort to secure proper regulation of immigration to these shores, arises from the detrimental opposition of foreign steamship lines, who have no interest whatever in the matter, save to increase the returns on their capital by carrying masses of immigration hither in the steerage of their ships.

As bearing out the statement of the President, as to the agencies responsible for the existing conditions, we might mention an extract from the report of the commissioner-general for 1907, where he says:

Another year's experience but emphasizes and confirms the conviction that a considerable part of the large immigration of the past few years is forced or artificial. Two separate and distinct factors are from interested motives responsible for such of the immigration as is not natural; first, the violators and evaders of the contract labor feature of the law; and, second, the steamship runners and agencies.

And speaking of the influence toward immigration of letters from previous immigrants in this country he says:

The worst of it is that there are evidences that this endless chain-letter scheme is seized upon by the promoters and money lenders to further their interests, and no opportunity lost to encourage both the writing and extensive dissemination of such missives. When this is done the line is passed between natural and forced immigration, and the machinations of the promoter and usurer become a menace to the aliens directly, and to the welfare of this country incidentally.

This steamship activity, of course, has been made possible by the changed character of steamship construction, the recent building of fleet steel ocean liners, and has brought about, owing to our feeble laws and their lax administration, a startling change in the character of our immigration. One of the most noticeable effects has been the shifting of its source from the kindred peoples of northwest Europe to the alien brownish races of southeast Europe. That the profit-making choice by these foreign steamship lines and the connivance of certain European governments are not giving us the best, even of these peoples, but much of their poorest, are matters of repeated official record. Our inspector, Marcus Braun, a foreigner by birth and a resident of New York City by choice, who was sent abroad on a tour of inspection several years ago, made the astonishing discovery of documentary evidence that the Hungarian Government had actually made a contract with the Cunard Steamship Line to deliver for transportation to this country a minimum of 30,000 Hungarians annually. The Austrian officials, of course, were soon ready with plausible explanations, but Mr. Braun's report clearly demonstrates that that Government was not engaged in any philanthropic or altruistic enterprise.

It was a plain bargain to dump upon our shores at least 30,000 of her worst, most degraded slum population, if not her criminal and social outlaws and outcasts. It is a series of facts of this character which leads Mr. Braun to conclude that some European governments, as well as private individuals and interested societies, still regard the United States as a dumping ground for thousands of their most undesirable persons. A knowledge of the actual conditions, he concludes, would drive the blood of humiliation to the face of every good American, whether native or naturalized, and a description of them would defy the pen of a Macaulay. That these scandalous conditions still exist is evidenced by the more recent report of Dr. Maurice Fishberg; by the letters of Mr. Herbert F. Sherwood, correspondent of the Liberal Immigration League, a propagandist organization, who was with the commission on its European junket two years ago this coming summer; and by the still more recent official report of Special Inspector John Greenberg, who visited Europe last summer, and whose report is now in the hands of the Department of Commerce and Labor.

It is unlikely, Mr. President, that these foreign corporations will at any time in the near future be brought to a realization of the enormity of their sins or of the great injustice their greed is doing the American people, for—

If self the wavering balance shake,  
'Tis rarely right adjusted.

We must, therefore, expect a continuation of this conduct on the part of steamship companies and look upon the past as but a harbinger of what may be expected in the future, unless the Congress of the United States shall call a halt and shall by drastic legislation put a stop to this traffic in human flesh. If further evidence is needed to show that the question is a live one, we might point to the threatened legislation of California—legislation the enactment of which could be prevented only by the powerful influence of the President—and to the legislation enacted in Nevada, which even the power of the President could not prevent.

But, Mr. President, we must speak of the yellow man with bated breath. We may scarcely think strongly about him without the suggestion that some treaty right has been infringed, and the resultant need of four battle ships is proclaimed. But we may as well face the situation now, unpleasant though it be. The history of the world does not record an instance where two races have at one and the same time occupied the same territory upon terms of equality. One must be subservient to the other or they must assimilate. Where two races are trying to occupy the same territory, one of three conditions must be brought about inevitably—either amalgamation, extermination, or subordination of one to the other. Who knows anything of the Japanese character knows that he will not stand for either amalgamation or extermination nor for subordination longer than the conditions make it necessary. It seems to me, therefore, that before the situation has attained unmanageable proportions, or before it shall have become acute, it would be the part of wisdom for Congress to enact and enforce such prohibitive laws as will stop the incoming tide from the Orient. But I will not pursue this branch of the subject further, except to say that sooner or later we must meet the situation, and the sooner it is met and some adjustment made the better it will be for all parties concerned. If the assertion of supposed rights by the Japanese is vexatious now, what is to make it less annoying in the future?

The other branch of the subject, viz, the flooding of the East and Middle West by an ever-increasing stream of illiterate Hungarians, Poles, Greeks, Turks, Syrians, Arabs, and South Rus-

slans, is still more dangerous because more insidious. As the *Manufacturer's Record* says in an editorial:

This mongrelism, congesting the great cities of the East, is a far greater menace to American labor, American institutions, and American life than the comparatively pure stock of the Japanese and Chinese of the West.

Who, Mr. President, can contemplate the situation without feelings of loathing and abhorrence for the miserable creatures and apprehension for the effect upon our Anglo-Saxon civilization and democratic institutions? I can not give you a better picture of that situation than by quoting from Dr. Francis A. Walker, who, writing ten years ago, said:

The immigrant of the former time came almost exclusively from western or northern Europe. We have now tapped great reservoirs of population then almost unknown to the passenger lists of our arriving vessels. Only a short time ago the immigrant from southern Italy, Hungary, Austria, and Russia together made up hardly more than 1 per cent of our immigration. To-day the proportion has risen to something like 40 per cent, and threatens soon to become 50 to 60 per cent, or even more. The entrance into our political, social, and industrial life of such vast masses of peasantry, degraded below our utmost conceptions, is a matter which no intelligent patriot can look upon without the gravest apprehension and alarm. These people have no history behind them which is of a nature to give encouragement. They have none of the inherited instincts and tendencies which made it comparatively easy to deal with the immigration of the older time. They are beaten men of beaten races, representing the worst failures in the struggle for existence. Centuries are against them as centuries were on the side of those who formerly came to us. They have none of the ideas and aptitudes which fit men to take up readily and easily the problem of self-care and self-government, such as belong to those who are descended from the tribes that met under the oak trees of old Germany to make laws and choose chieftains.

In this connection I would ask your especial attention to a statement made by Gen. Theodore A. Bingham, police commissioner of New York City, published in the *Cincinnati Inquirer* June 20, 1907, couched in modest and discreet language, yet reciting a condition that ought to arrest our attention:

There is another very important thing about this crime business. I don't want to say anything that would be indiscreet, but unquestionably the hordes of immigrants that are coming here have a great deal to do with crimes against women and children.

You will notice that these particular crimes are done by fellows who can't talk the English language. It is this wave of immigration that brings to New York the hundreds of thousands of criminals who don't know what liberty means, and don't care; don't know our customs, can not speak the English language, and are in general the scum of Europe.

Was it for the like of these, Mr. President, that our forefathers braved the hardships and dangers of the wilderness and wrested this land from the savage red man? Was it for the like of these that, later, our sires defied the arrogance of tyrants, that Anglo-Saxon and democratic government might be planted and fostered here? Was it for the South Russian—dull and apathetic, brutalized by long centuries of ignorance, privation, and tyranny; for the Greek, more debased than the Russian, because of his greater intelligence for evil, unscrupulous, quick with the tongue and also not slow with the knife that strikes from behind and in the dark; for the peasants from the Balkans, equally immoral and degraded, but less stolid than the Russian; for the chafferer, fawning and cringing, schooled to duplicity and assassination through long centuries beneath the Turkish lash; for the Hun, turbulent, savage, still half a barbarian; for the Italian, more especially him of Sicily, in picturesque rages, stiletto in his boot, murder in his heart, too often a black heart, bound either as an accomplice, or as a prey to his own black hand?

If it was for these and the like of them that our forefathers fought, bled, and died, then it were better, far better, that America had been left as a happy hunting ground for the red man, better that Boston commons had never resounded with the cry of the patriot, better that Kings Mountain had never been fought.

O, not yet mayst thou  
Unbrace thy corslet, nor lay  
By thy sword; nor yet, O,  
Freedom, close thy lids in  
Slumber, for thine enemy  
Never sleeps, and thou  
Must watch and combat  
Till the day of the new  
Earth and Heaven.

But let us look a little further and see what manner of people the steamships are dumping down upon us, and simply because so much per head goes into the company's treasury. For the fiscal year ending June 30, 1907, 1,285,349 aliens were admitted to the United States. This was an increase of over 11 per cent of the previous year (1,100,735), which was also preceded by a banner year.

It is true that for the past fiscal year, ending June 30 last, immigration decreased to 782,870 plus 141,825 "nonimmigrant" aliens. Of this number, only 63,128 had ever been in the United States before. This would leave a new net alien addition to our population of at least 708,840 foreigners for 1908, and it is the assimilation and Americanization of these vast hordes, ever increasing in larger and larger influxes with the return of prosperous times, that constitutes our immigration problem.

About 80 per cent of the present immigration comes from extremely southern and eastern Europe and western Asia, whereas a quarter of a century ago we received practically no emigrants from these sections. This immigration is composed of Slav and Iberic or Mediterranean races, far less capable of amalgamation and absorption than the kindred peoples of northwest Europe which used to come to us and made such good frontiersmen. As a matter of fact, it is the coming and competition of these aliens, with their low standards of living, that have caused the decline in the number of assimilative Baltic peoples.

As to the percentage of able-bodied, strong-minded men and women, it is difficult to speak with any statistical accuracy. The present laws are designed somewhat to keep out the weak-minded and weak bodied, but under its present administration most of them either escape detection, owing to the superficial inspection, or are admitted under bond. This is well shown by the fact that at least one insane or weak-minded, newly landed immigrant is picked up in two boroughs of New York City every day, and also the fact that the States of Massachusetts and New York deliver every day into the hands of immigration authorities from three to four immigrants for deportation, who have become public charges, generally within two or three months after landing. I would call attention to the last report of Theodore Bingham, police commissioner of New York, as showing the insufficiency of our present laws or their lax enforcement when it comes to dealing with the criminal immigrant:

We are trying to handle medieval criminals, men in whose blood runs the spirit of the vendetta, by modern Anglo-Saxon procedure. It is wrong to allow these people to slip into this country. But besides allowing this we give them, once in, every chance to work their blackmail without getting caught. Against this sort of crime our laws are weak. Either they must be kept out, or else a system of procedure must be devised which is potent and immediate enough to handle that sort of crime.

The case of an alien who was arrested on November 27, 1908, will illustrate something of the difficulty the police department works under in trying to keep the city clear of alien criminals.

On November 17, 1908, a warrant was requested for the arrest for deportation of an Italian from Naples. On November 20, 1908, the warrant was issued. On November 27, 1908, the man was arrested and delivered to Ellis Island.

The penal certificate of the man stated that he had been sentenced to eight days' solitary confinement in March, 1908, by the judge of the tribunal of Naples. Besides this, a letter from the Minister of the Interior of Italy stated that this man had committed a brutal murder in Naples, that he attempted to kill his own wife, that he had attempted to kill another man, and that while in the employ of the post-office department he had robbed the mail. The letter went on to say, that on July 10, 1908, this alien was sentenced in his absence, by the court of assize, Naples, Italy, to life imprisonment. All this information was given to the United States authorities.

On December 15, 1908, this alien was discharged from Ellis Island and is now at large in New York City.

The case of another man shows how the United States seems to insist on keeping these blackmailers here.

A man who is at present confined in New York State prison, serving a sentence of two and one-half years for attempted extortion, was arrested in Italy twenty-seven times and convicted twenty-five times. When he was sentenced to State's prison here he had been in this country less than three years. The police department tried to get a warrant for his arrest so he could be deported. The warrant was refused on the ground that the man had, by serving three years in prison, been here more than three years.

Shall we permit a condition so revolting to continue? We look to the commission to tell us how to stop it.

As to the character of the present immigration, I think the opinion of such a man as Hon. William Williams, a recent commissioner of immigration at the port of New York, through which comes the bulk of the influx, is the most reliable information that can be obtained. In his annual report (1903) he said:

The present laws do not reach a large body of immigrants who are generally undesirable, because unintelligent, of low vitality, poor physique, able to perform only the cheapest kind of labor, desirous of settling almost exclusively in the cities, by their competition tending to reduce the standard of living of the American wage-worker, and unfit either mentally or morally for good citizenship. It would be quite impossible to accurately state what proportion of last year's immigration should be classified as undesirable. I believe that at least 200,000 came here (631,885 entered through Ellis Island), who, although they may be able to earn a living, yet are not wanted and will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards. Their coming has been a benefit chiefly, if not only, to the transportation companies which brought them over.

As to the number of children, middle-aged, and aged people, about 5 per cent are under the age of 14 years, many of whom are still brought in by Greek padrones to work in bootblacking and other similar establishments, where the worst kind of child labor prevails; 85 per cent are between the ages of 14 and 44 years. About one-fourth are females and three-fourths males. From one-fourth to one-third of the adults can not read or write a single line in any language or dialect, not even their own.

But, to return to the question of the congestion of the present immigration in our large cities, let me call your attention to what



the Commissioner of Labor says in his seventh annual report, where he points out that of the slum population of Baltimore 77 per cent are foreigners, of Chicago 90 per cent, of Philadelphia 91 per cent, and of New York City 95 per cent, and that southeast Europe furnishes from twenty to seventy-one times as many as does northwest Europe to these congested districts, where they are such a fertile field for the irresponsible agitator and corrupt boss.

A year or two ago Mayor McClellan directed Doctor Darlington, president of the New York City Board of Health, to make a special investigation of the push-cart nuisance. At the conclusion of his investigation Doctor Darlington reported, among other things:

I have heard the assertion that immigration is necessary to carry on our public works, to build railroads, to dig canals, and the like. But the present immigrants now coming over do not come for that purpose and will not do that sort of work. No, they prefer to become push-cart peddlers and to live in our cities in poverty, breeding crime and disease. They occupy our streets, the streets for which our taxpayers have paid heavily. They interfere with traffic and break the laws of sanitation which we have decided are necessary for the preservation of public health.

Now, it is proposed by certain interests to distribute this slum population over the South and West in order to make room for more of the same kind, and one even finds such a paper as the Jacksonville (Florida) Metropolis publishing matter sent out by the railroads under the caption of "Immigration labor for the South."

The Manufacturers' Record tells us that Congress is likely to be asked to set aside a fund for transporting laborers from one place to another and to be thus used on a loan basis, and the reason for this fund is given as follows:

For lack of funds for transportation thousands of aliens living in large cities and who appeal for work are deprived of obtaining remunerative employment. From all parts of the country the cry comes for efficient help, but the laborer in many instances is unable to go because he has not the means to pay his railroad fare. This is the situation confronting the Department of Commerce and Labor, who are trying to promote a beneficial distribution of aliens among the States and Territories desiring laborers.

The editor commenting on this plan, which is nothing more than a plan to relieve congestion in the principal cities and a plan to make more room in which to dump still more immigrants, pertinently says:

"It must be confessed that these southern immigration schemes and other sociological, educational, and economic movements engineered from New York disregard the fact of the South's forty years' fight for the maintenance of white civilization. It must be confessed that if the diverse schemes succeed white civilization must pass from a portion of the South. What care the schemers for that, and what care they for the disinterested warnings as long as the public mind of the South can be diverted from the fundamental questions?"

I take occasion to say just here, lest I be misunderstood, that I, in common with many other Southerners, would welcome to our midst homeseekers, whether they be of foreign or native birth, who from choice have embraced our form of government and wish to be part and parcel of us, and will work with us to build up the waste places and contribute to a free and stable government. But, Mr. President, it is better that our uncultivated lands should forever lie fallow, and our water power go unharnessed to the sea, than that we should be overrun by a lot of aliens from southern Europe, who have been brought here through the cupidity of steamship companies, and who have not left behind them and do not intend to forsake their Black Hand and Mafia methods, and who contribute nothing worth having to the common good. Much is being said about the development of the South's resources in connection with the alien-labor agitation. For myself, I have but little patience with such agitation. I do not see the necessity for all this hot haste to use up the country's treasure, and at the same time make such an outcry for the conservation of our natural resources. Our forests are almost gone and our public domain is exhausted. The South has prospered marvelously and bids fair to make even more rapid strides. This has been accomplished without the aid of such immigration as that which now comes to our principal ports. Without them our white civilization has been maintained, and I, for one, am willing to deal with the future without their aid.

Statistics are always tiresome and dull reading, but at the risk of being tiresome and prolix I must quote a few figures for our information. As to the statistics on crime, pauperism, and insanity according to the census of 1890 (part 2, pages 169, 174, 182), comparing an equal number of foreign element and the native element, we find that the foreigners furnished one and one-half times as many criminals and two and one-third times as many insane, and three times as many paupers. When it comes to the children of native-born parentage and for-

eign-born parentage, those of foreign parentage are found to be three times as criminal as those of the native parentage.

According to the annual report of the Commissioner-General of Immigration for 1904, the foreign born in all the public institutions of the United States constitute 28 per cent, whereas there were but about 10,000,000 foreign-born persons out of a population of 80,000,000 of people. His report also shows that there were 44,985 alien inmates of penal, reformatory, and charitable institutions in the United States, 64 per cent of whom were Slavic, Iberic, or Mediterranean races, and that out of the 800 confined for murder 253 were Italians, and of 373 confined for attempt of murder 139 were Italians. According to the last annual report of the commissioner-general the number of aliens confined in our penal, insane, and charitable institutions has increased during the past four years from 44,985 to 60,501, an increase of 15,516, or about 34 per cent.

In New York State, which has a population one-fourth foreign and three-fourths native, from one-half to three-fourths of the inmates of public state institutions are foreigners, who cost that State over \$10,000,000 annually—a very fitting sacrifice to those foreign gods of transportation. But more important are facts from an official report like that of Chief Magistrate Wahle's concerning the criminal prosecutions in the city of New York for 1905. He says that there was an increase for the year of 18,388 arraignments (25 per cent), and that all of this increase were southeast Europeans.

We have undertaken to show that the question of immigration is a vital pressing question and that we must face it. We have undertaken to show that on account of the greed of the steamship companies and other subagencies throughout Europe the greater percentage of the immigrants coming to our shores is of persons steeped in degradation and in the lowest intellectual and physical class. What will be the effect of this admixture of the lowest types of humanity with the Anglo-Saxon race is a question that ought to concern all who are proud of our Anglo-Saxon lineage and of our achievements in the past. That our type of national character is in serious danger from the interbreeding of native and alien stocks in the country has been affirmed on numerous occasions and by those whose opinions we should heed. A recent study by Alfred P. Schultz, just published, called "Race or Mongrels," clearly points this out. In this book Mr. Schultz shows that all the great races of history, such as the Chaldeans, Assyrians, Medes, Persians, Phoenicians, Hindoos, Egyptians, Greeks, and Romans were great only so long as, like the Jews, they kept their race free from mixture with alien types. In opposing the views of the superficial optimists, who claim that all sorts and conditions of races can be somehow welded together to produce a new and wonderful breed, Mr. Schultz relies upon the recent discoveries in biology, tending to show the paramount importance of heredity. He says:

As well expect to produce a more perfect dog by breeding together at random a dozen different kinds. It is no less rational to expect to make mongrels into refined dogs by teaching them tricks than to imagine that a few years of schooling, flag exercises, and civic instructions will make the deteriorated half-breed of Southern Europe into desirable American citizens. The ideas, ideals, and institutions of a nation change with its racial composition. Crossing must cease or America will develop into another Imperial Rome.

Recently a Canadian editor, after acknowledging the many virtues of the New Englander, stated with some condescension:

You are becoming a race of mongrels. For years you have admitted, without let or hindrance, the scum of Europe to your citizenship, and you are now beginning to reap the consequences. That is why your politics are so corrupt, your trusts so tyrannical, your public sentiment so unorganized and feeble, your Anglo-Saxon and Teutonic traditions of conservatism and civic and financial morality so nearly extinct. "Canada, not the United States," he concluded with sublime faith, "is destined to be the new world Anglo-Saxon nationality of the future."

I might add in passing that it is significant that Pan, who was the son of everybody, was the ugliest of the gods.

Recently, as pointed out by the Canadian editor, a decided change has taken place in the character of our population in certain localities. The early Anglo-Saxon and Teutonic people who gave us our principles of liberty, our democratic institutions, and, in fact, our very civilization itself, have been overcome. Chicago has become one of the largest Polish cities in the world, New York one of the largest Italian cities, and Boston one of the largest Slav-Iberic cities. It is in these large northern cities, with their vast majority of persons of foreign extraction, that is, foreign birth or foreign parentage, that aggressive rottenness and dishonesty in municipal affairs is attracting public opinion and condemnation. It is in these large foreign cities of the North that popular government, as our Teutonic and Anglo-Saxon forefathers conceived it, has been displaced by the despotic boss; and a profound distrust of democracy has taken hold upon the educated and property-

holding classes, who fashion public opinion. Of late attempts have been made in a number of these cities, with their vast foreign population, to limit materially local self-government. A little over a year ago there was created in Boston a finance commission, composed of the very best citizens, for the purpose of investigating and reporting on the existing intolerable municipal conditions. The report of that commission has just been made and deals exhaustively with the situation. Among other things, the commission says:

The present electoral machinery is wholly unsuited for the requirements of successful municipal government through popular suffrage; and recommends to the legislature the passage of a bill which will completely change the present form of city government, and divide the responsibility between the people of Boston and the legislature. This, mind you, was the once refined and cultured Boston, the Arcady of America; Boston, that has now become so infested with aliens, thought to be incapable of self-government, that it is asked that the municipal government be divided between the people of Boston and the legislature of Massachusetts. It is not surprising that schemes are being devised and ways and means provided whereby this congested mass of humanity may be pushed on to the South and West. It is history repeating itself. But if you will insist on permitting these steamship companies to bring such people to your ports for the sake of the revenue that is in the traffic, then we say keep them, even if the dose does choke you. Do not push them off on us. We will get on without them. This admonition is unnecessary, however, for the reason that the immigrant that is now being admitted can not be induced, cajoled, or even forced to leave the large cities.

In the light of what has just been related, may we not exclaim with Associate Justice Brewer:

May not the original Anglo-Saxon stock be submerged? Will republican institutions stand the continuous influx of people who know nothing of self-control and who look upon all government as an enemy? We have boasted that our liberty was a liberty of law, and left no room for revolution or riot, but certain occurrences in Colorado and elsewhere have shown that this is not always true. May not the forces against law become strong enough to break it down? Is not the Anglo-Saxon principle of liberty worth preserving, even if it should be necessary to restrict or put a stop to immigration? It is a question, at any rate, that should not be settled by sentiment, nor will it do to say that we have done well enough in the past and are likely to do as well in the future.

Much to the point is the extract from the American Commonwealth by Hon. James Bryce, author, volume 2, pages 862 and 863:

Within the past decade new swarms of immigrants have invaded America, drawn from their homes in the eastern part of Europe by the constant cheapening of ocean transit, and by that more thorough drainage, so to speak, of the inland regions of Europe, which is due to the extension of railroads. These immigrants, largely of Slavonic race, come from a lower stratum of civilization than the German immigrant of the past, and since they speak foreign tongues are less quickly amenable to American influences and probably altogether less improvable than are the Irish. There seems to be a danger that if they continue to come in large numbers they may retain their own low standard of decency and comfort and menace the continuance among the working classes generally of that higher standard which has hitherto prevailed in all but a few spots in this country.

Certainly, Mr. President, a too rapid filling up of our country with foreign elements is sure to be at the expense of national character and Anglo-Saxon homogeneity, when such elements belong to the lowest classes in their own respective homes.

I have quoted frequently and at length from men who have been in a position to see the situation and have studied it and have suggested remedies.

Certainly, Mr. President, the country awaits the report of the commission that it may insist on legislation that will check this menace to our civilization; a menace that is obvious to all, except the steamship companies and the commission. Will the exception give us its report, or will it continue to pay high-priced professors and say nothing?

Mr. President, what will be the outcome of our unhappy condition only God in his infinite wisdom may know. But, sir, we should be warned by the teachings of history. We are told that fifteen hundred years ago Theodosius the Great induced large colonies to migrate from the countries from which a large portion of our immigration is now coming into the Roman Empire. They did not assimilate with the inhabitants of the empire. Patriotism decayed. The national spirit became extinct. The immigrants became a peril, and finally caused the downfall of the empire. Let us heed the lesson.

It has long been our boast that America offers an asylum for the oppressed of all nations, and Liberty Enlightening the World stands beckoning such to our shores. It is time, Mr. President, that this sentiment should be relegated to the limbo of things to be forgotten and give place to the more practical sentiment that our own must be provided for. How long, Mr. President, at the present rate, before the conditions here will

be similar to what they are now in southeastern Europe? If we believe the evidence, the day is not far distant. Our bread lines are each day lengthening, and, if the newspapers are to be believed, the selling of human beings into slavery is a condition and not a theory. Well may we ponder, then, the warning words of Thomas Bailey Aldrich in the beautiful verses entitled "Unguarded Gates:"

Wide open and unguarded stand our gates,  
And through them press a wild, a motley throng—  
Men from the Volga and the Tartar steppes,  
Featureless figures of the Hoang-Ho,  
Malayan, Scythian, Teuton, Kelt, and Slav,  
Flying the Old World's poverty and scorn;  
These bringing with them unknown gods and rites,  
Those tiger passions, here to stretch their claws.  
In street and alley what strange tongues are these,  
Accents of menace alien to our air,  
Voices that once the tower of Babel knew!  
O Liberty, White Goddess! is it well  
To leave the gate unguarded? On thy breast  
Fold Sorrow's children, soothe the hurts of fate,  
Lift the downtrodden, but with the hand of steel  
Stay those who to thy sacred portals come  
To waste the gift of freedom. Have a care  
Lest from thy brow the clustered stars be torn  
And trampled in the dust. For so of old  
The thronging Goth and Vandal trampled Rome,  
And where the temples of the Cæsars stood  
The lean wolf unmolested made her lair.

Mr. President, I desire to offer what I send to the desk as a substitute for the resolution which is now before the Senate.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from South Carolina offers a substitute for the pending resolution, which will be read.

The Secretary read the substitute, as follows:

*Resolved*, That the Immigration Commission created by section 39 of an act to regulate the immigration of aliens into the United States, approved February 20, 1907, be, and hereby is, directed to report to the Senate a summary of its doings and present work, together with a statement of its expenditures, the number of its employees, the capacity in which they are employed, the salaries paid and all allowances, and such other information as will give the Senate an idea of the amount of money and length of time which will be required for the commission to complete its labors and make its recommendations and final report.

Mr. DILLINGHAM. Mr. President, as a member of the commission mentioned in the resolution, I want to ask for the adoption of the resolution, that the commission may be able to lay before the Senate the information requested. I do this because the commission has been engaged in the investigation of every question that has been suggested by the Senator from South Carolina in his admirable address this morning, and is now engaged in the investigation not only of those, but of very many other questions; and I feel that when the work is completed it will be one which the Senate will appreciate as having value—information that is authentic and which has been secured from a scientific standpoint and which will materially aid Congress in legislating along these lines. In order that the Senate may know what the commission is doing, I really hope the resolution will be adopted.

Mr. FRAZIER. I wish to ask the Senator from Vermont a question before he resumes his seat.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Tennessee?

Mr. DILLINGHAM. Certainly.

Mr. FRAZIER. It was stated by the Senator from South Carolina in the course of his address that a certain person was employed in making an investigation along the border between Texas and Mexico, and that that person was receiving a salary of from \$7,000 to \$8,000 and traveling and other expenses.

I observe from the immigration act, under which the commission has been acting, that the President is authorized to appoint three commissioners and to fix their compensation, but I do not observe that the President is authorized to appoint anyone else. I ask the chairman of the commission who appointed the gentleman referred to and fixed his compensation?

Mr. DILLINGHAM. I have not the papers before me at this time, and I can not speak with certainty. He was employed in connection with work conducted by Professor Jenks.

Mr. BAILEY. Employed on the secret-service force?

Mr. DILLINGHAM. I shall be very glad to make inquiries about that and see that a report is made.

Mr. FRAZIER. I should like to ask the Senator further—

Mr. PENROSE. Mr. President, I call for the regular order. This debate is entirely out of order. I yielded for the Senator from South Carolina, but the post-office appropriation bill is really before the Senate. I must insist on the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania demands the regular order.

Mr. WARREN. As conference reports are always in order, I will ask the Senator from Pennsylvania to yield to me.



Mr. PENROSE. I will yield for that purpose, but after that, in justice to the large number of gentlemen interested in the post-office appropriation bill who are here waiting for its consideration, I must insist that the Senate proceed with it.

Mr. NEWLANDS. I will ask the Senator whether, following the Senator from Wyoming, he will not allow me to proceed for five minutes upon this line of discussion?

Mr. TILLMAN subsequently said: Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. PENROSE. For what purpose?

Mr. TILLMAN. I wish to ask the Senator if he will not consent to have the resolution which my colleague sent to the desk adopted?

Mr. DILLINGHAM. There is no objection whatever to it.

Mr. TILLMAN. There is no objection to it.

Mr. DILLINGHAM. There will be no debate.

Mr. PENROSE. Under the circumstances I yield.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Carolina [Mr. GARY].

The resolution was agreed to.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

#### House concurrent resolution 67.

*Resolved by the House of Representatives (the Senate concurring), That the conferees on the disagreements of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, be, and hereby are, authorized to take into consideration as if in disagreement the portion of the said bill relating to the salary of the Secretary of State, and also to report on any provision in relation to the law affecting said salary.*

Mr. WARREN. I move that the resolution be agreed to.

The resolution was agreed to.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, further insisting on its disagreement to the amendments of the Senate thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and accede to the request for a conference, the Vice-President to appoint the conferees on the part of the Senate.

Mr. BAILEY. Would it be in order to move that the Senate recede from its amendments increasing the salaries?

Mr. WARREN. There are in disagreement a great many matters besides that, and this covers them all.

Mr. BAILEY. So far as I am concerned, I should like myself to yield to the House disagreement to our amendments increasing those salaries, but as there are other matters in conference I will not insist on that at this time.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER.

#### MAJ. C. DE W. WILLCOX.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

*To the Senate:*

In compliance with the resolution of the Senate of February 16, 1909 (the House of Representatives concurring), I return herewith Senate bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 18, 1909.

Mr. BACON. In connection with the message just received from the President, I offer a concurrent resolution authorizing the enrollment of the bill.

The concurrent resolution (S. C. Res. 100) was read and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented*

*by Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Willcox" in line 3 of the bill, is stricken out and the word "Willcox" substituted therefor; also amend the title so as to read: "An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France," so as to correctly spell the name of the prospective recipient, inaccurately stated in the bill.*

#### POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I desire to ask if the vote of the Senate taking up the post-office appropriation bill did not of itself displace the regular order existing when that vote was taken?

The VICE-PRESIDENT. If the motion had been made after the hour of 2 o'clock, the Chair is of opinion that it would, but having been made in the morning hour, the Chair is of opinion that it does not displace the unfinished business.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. PENROSE. Now, Mr. President, I ask that the Senate proceed with the post-office appropriation bill.

Mr. NEWLANDS. I ask the Senator from Pennsylvania whether he will allow me to proceed for about five minutes upon the question discussed by the Senator from South Carolina [Mr. GARY].

Mr. PENROSE. There is nothing before the Senate on that subject. We have just adopted the resolution.

Mr. NEWLANDS. I understand, but I wish to say a few words upon the subject.

Mr. PENROSE. I yield to the Senator from Nevada for five minutes.

#### RESTRICTION OF IMMIGRATION.

Mr. NEWLANDS. Mr. President, I am sure we are all of us very much indebted to the Senator from South Carolina [Mr. GARY] for his very able and comprehensive speech regarding the most serious and important national problem of our time, the race question. We have to-day in our midst ten million of black people, manumitted about forty-five years ago, and suddenly and mistakenly admitted to an equality of political rights with us. We have the problem before us relating to that race, involving the question as to whether these rights, so improvidently granted, should not be either withdrawn or modified, involving the question as to whether the Nation in a cooperative and helpful, and not in an intrusive, way should aid the Southern States in the development of this infant race toward self-control, involving the question as to whether some form of assisted emigration of the blacks from our country should not be evolved that would diminish the existing dangers of race complications.

We have also a duty to perform to seven million brown people in distant islands, in whose favor we are called upon to discharge a sacred trust leading to ultimate independence.

We have confronting us in Europe three hundred million people of the white race, whose surplus population of those countries is eager to come to our shores. We have confronting us in Asia one billion people of the yellow and brown races, multitudes of whom desire to come to this country of unrivaled resources, of high wages, of agreeable climate, and abundant opportunities. We are thus called upon to face the race question in various forms.

My belief with reference to the black race now in our midst is that the time has come for the tolerant consideration of some form of national legislation that will recognize the national character of the problem, and whilst humane to the black race will be cooperative and helpful to the white race in their struggle for race integrity and supremacy.

So far as the immigration of foreign races of whatever color to this country is concerned, my belief is that it is purely a domestic question, to be settled by national legislation and not by diplomacy, and that, without mentioning or referring to any foreign race invidiously, we should declare by law that immigration to this country shall be restricted to the white race alone, except for the purposes of travel, education, and international trade, and that the immigration of the white race to this country shall be restricted to those whose physical constitution, character, and training will fit them ultimately for American citizenship.

This question has become a live question within the last few months by reason of the action of the legislatures of various States in the West, expressive of their realization of the danger of race complication. Upon this subject I have had some correspondence with the governor of my State, and have made a public statement regarding the form which the legislative expression of the States affected should take, and I ask that clippings from the Washington Post containing such matter be printed in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Washington Post, February 5, 1909.]

THE JAPANESE QUESTION.

Letter of Hon. Francis G. Newlands to Governor Dickerson, of Nevada.

UNITED STATES SENATE,

Washington, D. C., February 3, 1909.

Hon. DENVER S. DICKERSON,

Carson City, Nev.

MY DEAR GOVERNOR: With a view to moderating any action tending to create friction between Japan and this country, I take the liberty of suggesting to the legislature, through you, a plan of action which, whilst indicating a proper solicitude for relations of friendship and amity with Japan, will mark clearly our purpose to maintain this country as the home of the white race, free from such racial competition and antagonism on our own soil as will surely breed domestic violence and international hatred.

Entertaining no prejudice against any foreign race, and particularly admiring the vigor, courage, and patriotism of the people of Japan, and disposed to advance rather than to thwart her career of national greatness, we of the West are yet profoundly impressed with the view that the United States, possessing a vast territory as yet undeveloped and capable of supporting many times our present population, with natural resources unrivaled anywhere, with climates adapted to every people, with the cheapening of transportation, draw to itself the surplus population of all peoples.

Nature has classified the peoples of the world mainly under three colors—the white, the black, and the brown. Confronting us on the east lies Europe, with a total population of about 300,000,000 white people. We are finding it difficult to assimilate even the immigrants of the white race from that Continent, and have been obliged to carefully restrict such immigration. We have drifted into a condition regarding the black race which constitutes the great problem and peril of the future. Confronting our Pacific coast lies Asia, with nearly a billion people of the brown race, who, if there were no restrictions, would quickly settle upon and take possession of our entire coast and intermountain region. History teaches that it is impossible to make a homogeneous people by the juxtaposition of races differing in color upon the same soil.

Race tolerance, under such conditions, means race amalgamation, and this is undesirable. Race intolerance means, ultimately, race war and mutual destruction, or the reduction of one of the races to servitude. The admission of a race of a different color, in a condition of industrial servitude, is foreign to our institutions, which demand equal rights to all within our jurisdiction. The competition of such a race would involve industrial disturbance and hostility, requiring the use of a large armed force to maintain peace and order, with the probability that the nation representing the race thus protected would never be satisfied that the means employed were adequate. The presence of the Chinese, who are patient and submissive, would not create as many complications as the presence of the Japanese, whose strong and virile qualities would constitute an additional factor of difficulty. Our friendship, therefore, with Japan, for whose territorial and race integrity the American people have stood in active sympathy in all her struggles, demands that this friendship should not be put to the test by bringing two such powerful races of such differing views and standards into industrial competition upon the same soil.

This can be prevented either by international treaty or by national laws regulating, restricting, or preventing immigration. International negotiation and treaty is, in my judgment, an unsatisfactory method. It requires a nation with which we have treaty relations to prevent its own people from going where they will, a restriction which we would never in any treaty apply to our own people. We would therefore be asking other nations to put a restriction upon the movements of their people which we would refuse to prescribe regarding our own. There is but one consistent position to assume, and that is to relegate the whole question to domestic legislation in each country, permitting each to make such laws regarding the regulation, restriction, or prevention of immigration as it sees fit. The time has come, in my judgment, when the United States, as a matter of self-protection and self-preservation, must declare by statutory enactment that it will not tolerate further race complications. Our country should by law, to take effect after the expiration of existing treaties, prevent the immigration into this country of all peoples other than those of the white race, except under restricted conditions relating to international commerce, travel, and education; and it should start immediately upon the serious consideration of a national policy regarding the people of the black race now within our boundaries which, with a proper regard for humanity, will minimize the danger to our institutions and our civilization.

Japan can not justly take offense at such action. She would be the first to take such action against the white race were it necessary to maintain the integrity of her race and her institutions. She is at liberty to pursue the same course. Such action constitutes no charge of inferiority against the race excluded; it may be a confession of inferiority in ability to cope economically with the excluded race. It involves no insult, or the possibility of war, for Japan could not possibly sustain a war, even were her finances in better condition than they are now, without the sympathy of the world as to the justness of her cause.

I give this utterance reluctantly, for I am not disposed to participate in the prevailing sensationalism; but the issue has been made; the public attention is called to the question; and failure upon the part of our western communities to meet it candidly and courageously might be regarded in the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, to believe that we have abandoned our convictions and acquiesce in the view that a great question of national and domestic policy shall be turned over to the bargaining of diplomats. I am opposed to

sporadic legislation, here and there, by the various States, intended to meet only certain phases of what constitutes a national peril, phases which will necessarily be covered by broad national legislation. I am opposed to terms of opprobrium and of insult. Japan deserves from us only respect and admiration; we deserve from her a proper regard for the integrity of our race and institutions. A temperate declaration made at this time by the legislatures of the Western States upon the lines here indicated will aid much to advance the enlightened, calm, and forceful presentation of this question in such a manner as shall convince the judgment of the world, including that of Japan herself. Thus, upon the expiration of the present treaty with Japan and without attendant attacks upon Japanese sensibilities, public opinion will be so shaped as to force a calm and rational solution of the question by purely domestic and national legislation.

Very sincerely, yours,

FRANCIS G. NEWLANDS.

[From Washington Post, February 8, 1909.]

RACE SOLUTION IN LAW—SENATOR NEWLANDS URGES BROAD NATIONAL LEGISLATION—NOT MATTER FOR DIPLOMACY—NEVADA SENATOR SUGGESTS RESOLUTION.

Senator NEWLANDS, of Nevada, in a statement given out last night, asserted that there should be broad national legislation covering the whole Japanese question.

"The legislation proposed by the Pacific coast States intended to meet certain phases of what constitutes a national peril has been opposed by the President as involving violation of our treaty with Japan and imperiling her friendship," said Senator NEWLANDS.

"While the Western States will in all probability patriotically yield to such suggestion, there is danger that the abandonment of such legislation may be misunderstood by the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, and that they may think that we acquiesce in the view that a great question of national and domestic policy should be turned over to the negotiation of diplomats. No question involving such important considerations as race homogeneity and domestic industrial peace can safely be turned over to diplomacy.

URGES BROAD LEGISLATION.

"There should be broad national legislation covering the whole question, and thus necessarily covering the parts of the question which state legislation in the West seeks to cover."

Continuing, the Senator stated that the Nevada legislature should, in his judgment, as a substitute for all pending measures, adopt resolutions making the following declarations:

"That the race question is now the most important question confronting the Nation; that already we have drifted regarding the black race into a condition which seriously suggests the withdrawal of the political rights heretofore mistakenly granted—the inauguration of a humane national policy which, with the cooperation and the aid of the Southern States, shall recognize that the blacks are a race of children, requiring guidance, industrial training, and the development of self-control, and other measures intended to reduce the danger of the race complication, formerly sectional, but now becoming national.

SITUATION ON ATLANTIC.

"That confronting us on the Atlantic is Europe, with a total population of 300,000,000 white people, whose surplus seeks outlet on our soil; that we have found it difficult to assimilate even the immigrants of the white race from that Continent and have been obliged by law to carefully restrict such immigration.

"That confronting us on the Pacific lies Asia, with a population of 1,000,000,000 people of the yellow and brown races, who, if unrestricted, would overwhelmingly immigrate to our country of unrivaled resources, of high wages, and almost unlimited capacity to support additional population; that preeminent among these people stands Japan—strong, aggressive, high-spirited, qualities which the American people admire, but which, if given play on American soil, would develop the strongest form of race antagonism.

CAN NOT ASSIMILATE RACES.

"That history teaches that it is impossible to develop a homogeneous people by the juxtaposition of races differing in color upon the same soil; that under such conditions race tolerance means an undesirable race amalgamation, and that race intolerance means ultimately race war, or the reduction of one of the races to servitude.

"That, therefore, our duty to our race and our institutions and the maintenance of friendship with races differing in color alike demand that we abandon the attempted adjustment of these questions by international treaty and pass a national law to take effect upon the expiration of existing treaties emphatically declaring that our country is open to white immigration alone; that such immigration shall be restricted to those of a constitution, character, and training that will ultimately fit them for American citizenship; and that other races shall be excluded from immigration except for purposes of trade, travel, and education."

NO GROUND FOR OFFENSE.

Senator NEWLANDS adds that dignified legislative action of this kind could not be made the ground of offense by any nation affected; that Japan herself would be the first to take similar action were the integrity of her race and her institutions threatened; that the United States always had been friendly to Japan in her struggles to maintain and protect her territorial and racial integrity; and that such action was entirely consistent with absolute friendliness between the nations.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. The regular order, Mr. President.

The Senate proceeded to consider the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill, and read to page 3, line 16.

Mr. LA FOLLETTE. Mr. President, I was not able to follow the reading of the bill.

The VICE-PRESIDENT. The Secretary is reading at line 16, on page 3.

Mr. LA FOLLETTE. Did the Secretary read all of page 2?



The VICE-PRESIDENT. He read all the original matter on that page, not the amendment.

Mr. LA FOLLETTE. My attention was diverted for a moment.

Mr. BURKETT. I should like to ask the chairman of the committee in regard to the new provision at the bottom of page 2. Is that the same as in the old law? There was a provision in reference to that subject last year. What change is made in this provision?

Mr. PENROSE. I would suggest that the formal reading of the bill be gone through with. That is what was demanded.

Mr. BURKETT. I did not understand that.

Mr. PENROSE. We will then take up the bill for the consideration of committee amendments and such other amendments as may be submitted.

Mr. BURKETT. I beg pardon; I thought the Secretary was reading the committee amendments.

The VICE-PRESIDENT. The text of the bill is being read. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill. Mr. PENROSE. Mr. President, I now ask that the Senate proceed with the consideration of the amendments to the bill reported by the Committee on Post-Offices and Post-Roads. The first amendment is on page 2. I ask the Secretary to read that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after line 16, it is proposed, by the Committee on Post-Offices and Post-Roads, to insert the following amendment:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home or their designated domicile for a period not exceeding twenty consecutive days at any one place and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more.

Mr. PENROSE. Mr. President, this amendment and the one on page 3, beginning on line 12, are simply a transfer of two paragraphs which were in the bill as it came to the Senate from the House of Representatives, and which paragraphs are to be found on page 31 of the bill. They are existing law, and got into the bill in the House of Representatives in the wrong place on account of a point of order being raised against them. They went out of the bill and were subsequently put in on the floor of the House, when it was discovered they were existing law. Therefore they are no alteration of the bill as it comes from the House of Representatives.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. PENROSE. Yes.

Mr. BURKETT. Mr. President, I rose, hearing the bill for the first time, to ask the Senator from Pennsylvania a question in reference to this section jointly with the section on page 22. I observe that, in speaking, he stated that the paragraph which has just been read is the old law. What provision has the committee made for, and does the provision on page 22, in conjunction with this, give allowance for expenses to railway postal clerks while absent from home on duty?

Mr. PENROSE. Does the Senator from Nebraska desire an answer now, or would he prefer to wait until later?

Mr. BURKETT. I would say to the Senator that I am going to be called out for a meeting of the Committee on Agriculture, there being a hearing before that committee on the agricultural appropriation bill.

I am interested in the matter of the expenses of railway postal clerks while they are absent from home. The amendment on page 22 would seem to cover that matter, but the amount seems to me to be too small. I would ask the Senator if that is intended to cover the matter—if the committee has given it consideration, and with what result?

Mr. PENROSE. Mr. President, the committee made an effort to cover the situation referred to by the Senator from Nebraska, and an amendment was introduced by me in the Senate, which I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminal

where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

Mr. PENROSE. Mr. President, that amendment would cover the situation concerning which the Senator makes his inquiry. Almost every member of the Post-Office Committee was anxious to provide for this very meritorious class of employees. There can be no argument against the equity and justice of granting this per diem allowance.

It was thought, however, Mr. President, that the fact that this allowance at the present time would add nearly \$2,000,000 to this appropriation bill, and that other amendments, likewise looking to the relief of conditions among the employees of the Post-Office Department, would add five or six million dollars more, with a deficit in the Post-Office Department for this year of some \$15,000,000, and an estimated deficit of \$25,000,000 for the approaching fiscal year, it was not reasonable to expect or practical to incorporate this very meritorious provision in the bill at this time.

The proposed amendment was referred by the committee to the Postmaster-General, and I ask the Secretary to read his reply.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., February 6, 1909.

HON. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

MY DEAR SENATOR: In response to your letter of the 4th instant, transmitting an amendment intended to be proposed by yourself to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, etc., and requesting my opinion regarding its merits, I have the honor to advise you as follows:

The first part of the proposed amendment covers the provision of law incorporated in the existing and preceding appropriation bills for a number of years, authorizing the payment of actual and necessary expenses of division superintendents, assistant division superintendents, and railway postal clerks while actually traveling on business of the department and away from their several designated headquarters, and in the latter part a further provision, which has not yet been incorporated in any bill which has become law, for paying railway postal clerks their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminals where their runs, or series of runs, begin and end, when actually on duty.

With reference to the provision first referred to, I have called your particular attention to it by my letter of the 4th instant, and asked that the paragraph covering it, which went out of the bill on a point of order during its consideration in the House, be restored. This provision is necessary for the proper administration of the service and has been carried for a number of years.

With reference to the second, that is, the proposal to pay railway postal clerks their traveling expenses while on their runs, I recommended in my annual report to Congress the careful consideration of the same "as soon as the postal revenues justify." In my letter to you of the 4th instant, advising you with reference to the amendment intended to be proposed by Senator BURROWS, and which has the same object as the amendment under consideration, although it is there proposed in the form of an increase in salaries, I stated that I am unable to indorse at this time the provision of any amendment providing for increase in salaries in the postal service, and gave my reasons therefor. While the amendment which you propose does not provide for this increase as increase in salary, the effect of it is substantially the same, so far as the reasons are concerned, which prevent me from giving it my approval, namely, the state of the revenues. Therefore, in view of the probable amount of the deficit in the postal revenues for the coming year, I can not at this time give the amendment my approval.

Faithfully, yours,

G. V. L. MEYER.

Mr. PENROSE. Mr. President, I desire to state further to the Senator that there is no more sincere friend of the class of employees affected by the proposed amendment than I am. I recognize the dangers of their employment, the high qualifications they must possess, the vast and extensive knowledge they must have to sort the letters in the railway cars and to attend to the complicated and multitudinous duties of their occupation; but it is obvious that we can not borrow money to raise salaries. A presentation of the condition of the Post-Office Department for this year and for the approaching year is a sufficient answer to any proposition involving a salary increase of \$2,000,000 in this case, and some seven or eight million dollars additional, making \$10,000,000 more, over and above the impending deficit.

Mr. BURKETT. Mr. President, I will say in reply to the Senator from Pennsylvania, understanding, as I have, that the membership of the committee were very favorably disposed to this particular amendment, I had expected or, in fact, understood until quite recently that this kind of an amendment would be recommended. Had it been otherwise, I should have been prepared to bring in some figures and some comparisons of salaries and have tried to show to the Senate the merits of this particular amendment.

In general, as Senators will bear me out, I have not been very much disposed to favor salary increases. My record in that

particular is pretty straight. I voted against all of the recent salary increases, and, in fact, against the increase of my own salary. But it has seemed to me for a long time that there has been practiced an injustice to the railway mail clerks in comparison with almost all other government employees.

I think we have not a more efficient body of employees or a harder working body of employees in all the government service than the railway mail clerks. Their hours are long; their duties are arduous; their work is exacting; their risk of life and of limb is very great. They are required to be away from home a great deal of the time, and, so far as I can now recall, they are practically the only government employees required to be away from home by their service for whom we make no allowance for expenses.

Of course it may be answered in some particulars that the salary compensates for it; but, as I said in the beginning, the salary of the railway mail clerk is not adequate to compensate for it. In fact, the salary to start with is very small. They are about the smallest salaries that the Government pays for the kind of service and the degree of service which it requires of these clerks. In fact, as a Senator suggests to me, it is the smallest salary the Government pays for any kind of service. Those clerks are the poorest paid to start with. They are required to be away from home, and we make no provision for their expenses.

It has occurred to me that the time has come when we ought to do justice to them. We require much of them. Their work is both manual and mental. I have at times looked over some of the examinations they are required to take; I have investigated somewhat the amount of preparation they have to undergo for their work; and I undertake to say that there is not an employee in the government service, from the very highest to the lowest, in all the category of public servants who is called upon continually to be studying for their work. Ever so often they must pass examinations, and in preparation for it must be always at work, always at study. When they get one State studied up, they have to study up another State, and then study up groups of States. In fact, they have to study all the while to prepare themselves for their work. They do it; and it seems to me Congress could well afford to remedy this matter at the present time.

Of course we are all proud of the mail service. It is the particular part of our governmental service that we take pride in. The work is most efficient, and the men are of a very high order. By their industry and faithfulness and application they have made it the great success that it is. No private business is handled so efficiently as the railway mail clerk performs his service. We want it to be such; we require it to be such; and we want to keep it such. We require these men to prepare themselves for efficient service, and we ought to encourage them by more than words. It seems to me it is unjust to go on, year after year, without providing for taking care of their expenses when they are away from home. I may say also that the country appreciates this, for I have had many letters and resolutions from commercial clubs urging an increase in their salaries by way of this expense allowance.

I realize the strength of the argument which the Senator from Pennsylvania suggests; I realize that it is going to cost, perhaps, a million or two million dollars to pay the expenses; and I appreciate the condition of the Treasury. However, we increased salaries here the other day without much concern, apparently; salaries, too, which, in my judgment, were not entitled to be increased as much as the salaries of the men in the Railway Mail Service. We increased the salaries of men who were getting up into the thousands of dollars. We increased them on the theory that those men, or some of them, were cut off from the opportunities of private life, from engaging in commercial pursuits—in short, from making money. That was a very effective argument, I confess, although I did not vote for the increases. But, Mr. President, I should like to know where there is anybody more cut off from commercial pursuits, who is more taken away from the affairs of everyday life, who is more cut off from any possibility of making money for their old age, who is more deprived of all such opportunity—in short, who is more a slave to his work, than the railway mail clerk.

For one I do not quite share the conservatism of the committee in this particular. Yet I am not one, as I have said, who wants to go headlong increasing salaries. I am for this because I think it is right. We must give concern to our Treasury. But it seems to me we ought to distinguish between justice and extravagance. If the Post-Office Department is running behind, there is something wrong with the Post-Office Department, either in its management or because we are not charging enough for the service. We can not afford to keep salaries

down improperly or unjustly in order to make up deficiencies in the Post-Office Department. We ought to pay living and just salaries, sufficient to take care of the employees, and we should charge the traffic enough to sustain it, or else we ought to reorganize the service so as to cut down expenses somewhere else.

I am not going to criticize in any way the Post-Office Department, because I do not know of any place that is particularly vulnerable at this moment. I suspect there are some places where more money is spent than is necessary, but we all know the government service is not perfect. It perhaps never will be perfect. We will never be able to run the Post-Office Department with as little expense as a private individual, perhaps, could run it. There will always be some place open to assault. But yet I undertake to say that if the price we charge is enough, then there is extravagance somewhere which ought to be cut out, because when you charge enough for a service which is as large as the post-office service and as comprehensive and as extensive, it ought to warrant paying the people who do the work an honest, fair wage.

I am about to be called out of the Chamber to attend a meeting of the Committee on Agriculture. I shall try to get back by the time this paragraph on page 22 is reached, which I see is just the same in the first part as the amendment the Senator from Pennsylvania introduced; and if the Senator from Pennsylvania or somebody else does not introduce the amendment, I am going to offer the rest of the amendment of the Senator from Pennsylvania to this amendment on page 22, and test the Senate and take its judgment upon allowing to the railway mail clerks their necessary expenses when absent from home and on duty. As I have said, I hope the Senator from Pennsylvania, who introduced the amendment, and who, as he says, is very friendly to it, may deem it proper to offer it, if not as a committee amendment, then as an individual amendment to the committee amendment. But if he does not, I will offer the rest of that amendment as an amendment to the committee amendment, so that it will be just as the Senator introduced it originally, taking advantage of his knowledge and information on the subject as to its being drawn properly and in the right form and manner.

Mr. PENROSE. Mr. President, I am very glad the Senator from Nebraska [Mr. BURKETT] has made the statement he has and has raised this point. I entirely concur in his views as to the meritorious claims of this particular class of employees. I think, however, it ought to be borne in mind that the House bill has made provision for a considerable increase in the \$1,300 grade. On page 3 of the House report on the post-office appropriation the Senator will read:

Ample provision has also been made to equalize the pay of railway postal clerks now employed in the \$1,200 grade on apartment-car service upon lines where full railway post-office car service is also in operation by promotion of such clerks to the \$1,300 grade.

As I understand, that provision of the House will affect and secure a promotion from \$1,200 to \$1,300 a year for about 600 employees of the Railway Mail Service, the total number of such employees being a little over 15,000. This makes an increase in the amount of that item over last year, as already provided for in the House, of \$877,300 especially for this class of employees.

I am informed that when the bill was pending in the House committee the committee was willing to increase the salaries of all the employees in the Railway Mail Service actually engaged away from home by \$50, and the amendment of the Senator from Michigan offered in this body provides for an increase of salary of \$100. Neither proposition was acceptable to the railway mail clerks. They preferred to have no increase whatever unless they could get what is known as the "per diem allowance." So it must be borne in mind that the House has added very considerably to this bill at the present session in favor of these employees and that the proposition which was made was not acceptable.

As far as I am concerned, I shall be only too glad at another session, in a better condition of the postal revenues, to cooperate to the fullest extent with the Senator from Nebraska in placing the relations of these employees with the department upon a satisfactory basis.

Mr. BURKETT. In reply to the Senator, I call attention to how very small, after all, this raise is. Less than 4 per cent of the clerks have been raised less than 10 per cent. In short, it has simply been an outlet for those in the lower grade who have been entitled to promotion, which is very small, after all, and does not meet the other 96 per cent who are still more in need of it, because many of them are getting still less salary and have no allowance for their expenses when they are away from home.

Mr. PENROSE. I admit it is not substantial, but it shows a disposition to relieve the situation.



Mr. BURKETT. I am willing to admit that the disposition is very good, but, of course, the disposition does not pay the bills of these employees when they are away from home. This little raise, as to 4 per cent, does not affect the great 96 per cent of them, most of whom, I say, get smaller salaries, and whose expenses are just the same as those getting higher salaries.

Mr. PENROSE. I should like to remind the Senator of the fact that only 50 per cent of these employees are away from home or would be able to take advantage of the per diem allowance.

Mr. SIMMONS. Mr. President, I understood the Senator in charge of the bill to say that the reason the committee did not incorporate in the bill his amendment just read, in reference to the per diem of mail clerks, was the condition of the Treasury. I should like to ask the Senator if that was the only reason why the amendment was not incorporated in the bill?

Mr. PENROSE. If the postal revenues would permit it, I do not know of any amendment that I would vote for more readily, as far as I am concerned, than this per diem allowance.

Mr. SIMMONS. I desire to ask the Senator—

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. Certainly.

Mr. BURKETT. As I have to go out of the Chamber, I should like to offer the rest of the amendment, so that it may be pending, if the Senator will permit me. Then I can leave the Chamber. I realize that it is out of order, because we have not reached the point where it would be appropriate—page 22. I should like to offer the amendment and have it pending, if there is no objection.

Mr. PENROSE. Let it lie on the table.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment at the present time.

The SECRETARY. On page 22, after line 4, in place of the amendment of the committee at that point, it is proposed to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as pending and will be considered when the committee amendment is reached.

Mr. SIMMONS. Mr. President, like the Senator who has just occupied the floor, I have to leave the Chamber to attend a meeting of a committee; and if it will not interrupt the arrangement the Senator from Pennsylvania has in mind, I should like to ask him now, in advance of reaching that part of the bill, one or two questions with reference to the salaries of other post-office employees.

Mr. PENROSE. I shall be very glad to answer the Senator if I am able.

Mr. SIMMONS. I observe that the bill as it came to us from the House provided for an increase in the salary of 50 per cent of the clerks and carriers in first-class offices.

Mr. PENROSE. On that point I intend to offer an amendment to reduce it to the present law.

Mr. SIMMONS. The committee does not report in favor of incorporating that provision.

Mr. PENROSE. That was an oversight in reporting the bill, the only one, I believe; and I have been directed by the committee to report an amendment reducing those clerks and restoring existing conditions.

Mr. SIMMONS. Then there will be no increase, so far as the committee's action is concerned, in the salaries of clerks and employees in first-class offices?

Mr. PENROSE. There will not be.

Mr. SIMMONS. As the bill came to us from the House, the salary of 50 per cent of the clerks in second-class offices—not carriers, but clerks—was increased. Does the committee retain that provision of the House, thereby increasing the salary of the clerks in second-class offices?

Mr. PENROSE. I understood the Senator's inquiry was regarding clerks in first-class offices.

Mr. SIMMONS. My first inquiry was as to clerks and carriers in first-class offices.

Mr. PENROSE. That was provided for last year.

Mr. SIMMONS. Now, I am asking the Senator with regard to clerks and carriers in second-class offices, because I understood the action of the House raised the salaries of clerks in second-class offices, but did not raise the salaries of the carriers.

Mr. PENROSE. In second-class offices?

Mr. SIMMONS. In second-class offices.

Mr. PENROSE. Yes; that is right. I intend to offer an amendment to put the clerks back to the existing condition.

Mr. SIMMONS. So that there will be no increase in the salary?

Mr. PENROSE. Not if the Senate adopts my amendment.

Mr. SIMMONS. Not in first or second class offices?

Mr. PENROSE. Yes; in first-class offices, because that was provided for at the last session of Congress, and the pending bill does not affect in any way the conditions existing under the law already in force regarding first-class offices.

Mr. SIMMONS. I understand. Under the general classification act there are certain automatic promotions which regulate themselves. The question I ask the Senator now is, Does the bill make any increase in the salary of these clerks not already provided for by existing law?

Mr. PENROSE. I can assure the Senator, so far as I have information or as far as I can read the bill, that there is no change in the condition of first-class post-offices, either as regards the grade, salary, or promotion of clerks or carriers, other than that already existing and provided for in the last post-office appropriation act. The only change made in relation to the clerical force is in second-class offices.

Mr. SIMMONS. I desire to ask the Senator in charge of the bill if the failure to make this increase as provided in the bill as it came to us is on account of the condition of the Treasury?

Mr. PENROSE. I propose to offer an amendment to strike it out.

Mr. SIMMONS. To strike out the increase made by the House?

Mr. PENROSE. To strike out the increase made by the House.

Mr. SIMMONS. Is that on account of the condition of the Treasury?

Mr. PENROSE. Yes.

Mr. CLAY. Just a word, Mr. President, with the Senator's permission.

The Senate Committee on Post-Offices and Post-Roads, in my judgment, has been very considerate of the railway mail clerks. During the last session of Congress the Committee on Post-Offices and Post-Roads inserted—

Mr. SIMMONS. I will say to the Senator that we are not talking about railway mail clerks at this particular time.

Mr. CLAY. I understand.

During the last session of Congress the committee added an item of over a million dollars for the purpose of paying the expenses of railway mail clerks when away from home, and that item went to conference and was defeated in conference by the House conferees. It is true that at this session the Senate Committee on Post-Offices and Post-Roads added, I believe, a little over \$6,000,000 to the bill—an item of \$2,000,000 to pay the expenses of railway mail clerks when away from home and an item of a little over \$4,000,000 to increase the salaries of the rural free-delivery carriers.

Mr. President, when we began to add the increases and saw the condition of the post-office appropriation bill, we found that the bill carried \$6,000,000 more than the estimates made by the different offices of the department. The Postmaster-General came to us and said that the condition of the Treasury at this time was such that it was impossible to allow those amendments without creating a deficit of over \$20,000,000 in the Post-Office Department revenue during the next year, and the Committee on Post-Offices and Post-Roads got together, reconsidered their action, and determined to strike off every single one of those amendments and the increase made by the House. Consequently this bill comes from the Committee on Post-Offices and Post-Roads without any increase, except between fifty and sixty thousand dollars, as I understand.

It is true that the House increased a certain number of clerks in the first-class offices, but the committee unanimously adopted an amendment, and the Senator in charge of the bill, the chairman of the committee, as I understand, will offer it at the proper time, reducing them, and it will probably be adopted without any opposition.

We realized that while these amendments were meritorious, and while we were exceedingly anxious to adopt a part of them, it became the duty of Congress to examine critically the financial situation in regard to affairs in our country and to make appropriations accordingly; and we might just as well realize that if the receipts continue to fall off monthly as they are falling off at this time, in eleven months from to-day there will not be a dollar of surplus in the Treasury of the United States.

We had in the Treasury twelve months ago a surplus of over \$250,000,000, I think. I understand that your total surplus at the present time will amount to about \$130,000,000, and I have been informed—it is true the Secretary of the Treasury has not said so to me, but I have been informed from sources I can not question—that the Treasury Department is alarmed to-day at the situation, believing that in less than twelve calendar months, instead of there being a surplus, we will have to raise more money than we are producing at the present time. We may just as well realize that that is true beyond question.

The tariff has to be revised during the extra session of Congress, and it will probably take five or six months to revise it. You can not hope to have it done at an earlier day. Observation and study convince me that during the time you are changing the tariff schedules, fixing lower or higher rates, undoubtedly your customs dues will fall off.

You can not expect to receive so much money by reason of customs dues the year you are revising the tariff as you probably will receive afterwards. It is naturally true that merchants and importers buying goods and bringing them into this country will wait upon Congress and see how you revise the tariff before they go to foreign countries and buy goods.

The Committee on Post-Offices and Post-Roads simply got together and determined to cut off these expenditures this year, because we did not have the money to pay for them. Any business man who thoroughly understands his business will never continue to pay out more money than he is making. He will change his business methods so as to make receipts and expenditures correspond. The House committee made the bill \$400,000 larger than the estimates, and if we had insisted upon our amendments it would have been nearly \$7,000,000 larger than the estimates.

Something has been said about the Post-Office Committee rushing this matter through. We met last Monday for the purpose of considering this bill. I agree with the Senator from Wisconsin [Mr. LA FOLLETTE] that we ought to consider thoroughly every appropriation bill, but in legislating I have always found that you must take the practical side of questions. I do not know how we can give a week or four or five days to every one of the appropriation bills from now on. If we do, we will be able to pass but a few more.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. With pleasure.

Mr. LA FOLLETTE. I am a little surprised at the information the Senator from Georgia gives the Senate with respect to the first meeting of the Committee on Post-Offices and Post-Roads for the consideration of this bill. He says it was last Monday. That, I believe, would make the first meeting some thirteen days after the committee received the bill. I do not like to criticize at all, but as a Member of this body I just want to get a fair chance to look at the making of this legislation, appropriating more than \$200,000,000 of the people's money.

It seems to me if the committee had met with reasonable promptness after receiving the appropriation bill from the House and had considered it, it might have been reported ten days ago. Then there would have been no call to put it through under the committee whip. There would then have been ample time to read it before being compelled to vote upon its provisions.

Mr. PENROSE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. CLAY. I yield with pleasure.

Mr. PENROSE. Of course when a bill comes to the Senate from the House it is necessary to do a good deal of preliminary work. Not a moment was lost, I can assure the Senator. Amendments proposed had to be referred to the department, replies received, and a great deal of preliminary work had to be done outside of that studious attention which was probably personally given by every member of the committee before the committee met to the documents relating to the bill, which the Senator from Wisconsin admits he has never read up to the present time.

I should like to call the attention of the Senate to the fact that there are 10 appropriation bills pending before this body at the present time. We have after to-day, eleven legislative days on which to transact business. One of those, Saturday, the 27th instant, is practically reserved for memorial proceedings; another day is set aside for the discussion of the Brownsville affair, leaving nine days for 10 appropriation bills. In addition to that, there are three conferences in session, one over the naval appropriation bill and two others—the District of Columbia appropriation bill, I believe, and the legislative appropriation

bill. Those conferences have to make reports to this body and to the other branch of Congress, and it is a safe prediction that some of them may lead to prolonged debate.

Therefore, when the Senator from Wisconsin asks to have bills go over in this way, so that he may have an opportunity to read the measure or familiarize himself with it, a slight inspection of the business of the Senate in the last ten days of the Congress must convince any Senator that such a suggestion is impracticable and could not be for a moment considered.

It is not the fault of the Senate that this is the condition. It is the fault of the Constitution of the United States, which declares that on the 4th of March next this Congress shall go out of existence. It is not the fault of the Senate that these bills do not get here until a late period in the session. It is owing to the fact they have to be first introduced in the House, referred to their appropriate committees, and be duly considered. I have frequently thought it was a mistake that they come here so late, and that a full consideration of them is often impossible. That is particularly true of the river and harbor bill, which on more than one occasion has been defeated on that account, and which on more than one occasion has failed to include meritorious items that ought to have been in the bill simply because it was impossible by reason of the expiration of the Congress on the 4th of March to have them considered.

I think a dispassionate view of the subject will convince every Senator that it is impossible unduly to prolong the consideration of these bills, and that if there is any Senator who desires to render himself perfectly familiar with the subject he owes it at least to the Senate to have spent some time up to the present in familiarizing himself with the matters contained in the bill.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Just to say one word, Mr. President. I certainly do not want to discuss this subject with any feeling. I believe that the business of this great body and of the other branch of Congress can be transacted under the Constitution with deliberation within the time fixed by the Constitution for that purpose. My observation since I have been a Member of this body is that the appropriation bills get in here about as late for the long session as they do for the short session. It simply seems to be a part of a system which prevails that these most important legislative acts shall have little consideration. If these bills arrive from the other branch of Congress so late that there is not time to give them adequate consideration, and if, because of this, the appropriation bills should fail, the responsibility for such failure would rest upon the other branch.

This is a coordinate branch of the Congress and is entitled to a reasonable time to consider legislation, whether it be appropriation bills or bills of any other character.

It should not be forgotten, Mr. President, that these appropriation bills are made the vehicle for new legislation that ought to have consideration independent of appropriations. Under the rules of the Senate, as construed by the Senate, whenever the Senate by vote chooses so to construe them, it is possible to put almost any legislation on appropriation bills. This construction of the rules by vote of the Senate to permit the enactment of general legislation on an appropriation bill in one case is often entirely inconsistent with the vote of the Senate in another case. The rules are made and unmade at will. In this way it is possible to put through legislation here that could never pass this body if brought up and considered on its merits as an independent measure. If the increases in salaries incorporated in one of the appropriation bills here, aggregating something more, as I now remember, than half a million dollars, raising the salaries of the Vice-President and of the Speaker of the House from \$12,000 to \$15,000 per year, and raising the salaries of the members of the Cabinet and the federal judiciary in a like proportion—if those propositions had been considered independently and upon their merits, in my opinion they could not have passed this body.

I am certain that Senators who have made a careful study of the rules of the Senate and whose opinions are heeded here expressed the belief that the construction put upon the rules by the Senate in order to incorporate that provision in the appropriation bill and put it through was forced because the appropriation bill was behind it. A freer expression of their opinion would have been that the Senate rules were violated in order to put that legislation through. Indeed, I now happen to remember that the Senator from Maine rose in his place and said that in voting for the proposition he did not vote that the legislation put upon an appropriation bill was proper under the rules, but that he took the latitude which he felt he had a right to take to vote for it for other reasons.



Mr. President, I am not going to offer any defense to the criticism of the Senator from Pennsylvania that I did not give sufficient attention to an examination of this bill before it was reported to the Senate. I might say, if we were indulging in that sort of a discussion here, that if the chairman of this great committee had been in attendance upon the Senate for a number of days his committee might have been brought together for an earlier consideration of the bill, and then Senators would have been given an opportunity after it was reported to learn its provisions and to study it with some care.

But I propose, Mr. President, to insist from time to time upon the importance and the necessity of having these appropriation bills earlier, and to insist as a right as a Member of this body on a fair opportunity to examine them after they are reported from the committees and we know what they are to be.

I shall exercise my right as a Member of the Senate in no dilatory tactics further than to insure the opportunity to make some reasonable investigation of bills after they are reported. I suggest to the chairman of the Committee on Post-Offices and Post-Roads and to the chairmen of committees charged with other appropriation bills that we sometimes make haste slowly by being unreasonable. I asked for one day in which to look at this great bill. I know that I voiced the wishes of many Senators on this floor when I made that request. I believe that much time spent in useless debate might have been saved if that request had been granted.

Men who are asked to vote for these great propositions with their eyes shut and who are not disposed to do it are obliged, because they are in the dark with respect to the subject-matter, to ask a great many questions, inducing debate and prolonging it, when it would not be necessary if they could have a reasonable opportunity to examine the bill.

I was obliged to leave the floor in order to avail myself of the time to make such investigation as I could, and was denied the privilege of hearing the Senator from South Carolina [Mr. GARY], to whom the Senator from Pennsylvania yielded very readily, and very properly, too. I did not have an opportunity to hear the remarks that the Senator submitted upon a subject of very great importance to the country. I at once put myself in communication with the Post-Office Department in an effort to secure information which I am entitled to have, and which I was informed could not be furnished to me immediately upon call.

I want to say—and I say it in the right spirit, too—with respect to the other appropriation bills, it is not necessary, for my benefit, to read the list of those which remain to be passed every time debate is asked on an appropriation bill. And I say further to those in charge of these bills, you will make more progress with the business of this session if you will report the bills out and give reasonable opportunity—a day, at least—for Senators to get acquainted with their provisions.

Mr. CLAY. Mr. President, I am about through and I know time is valuable. I believe the Senate will bear me out that during the twelve years I have been here I have never taken the floor yet for the purpose of killing time. I have been a member of the Committee on Post-Offices and Post-Roads for nearly twelve years—it will be twelve years the 4th of next March—and I do not think I have ever missed more than one meeting of that committee.

Now, I do not agree with the Senator who has just taken his seat that there is ample time during this short session of Congress to discuss at length the appropriation bills.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. Certainly, with pleasure.

Mr. LA FOLLETTE. The Senator from Georgia does not quote me correctly.

Mr. CLAY. I do not desire to misquote the Senator.

Mr. LA FOLLETTE. I did not say to discuss at length all these appropriation bills, or to discuss at length, necessarily, any of them, but to investigate them and to determine what debate would be beneficial to this body and the country upon each one of them.

Mr. CLAY. I say I doubt if we have the time during the short session of Congress to thoroughly investigate and to discuss the different appropriation bills.

I will tell you another thing. My observation has been that, at either the short or the long session of Congress, these bills are largely made up by the respective committees to which they have been referred. We have 14 appropriation bills. We have 80 working days in a short session of Congress. If you take 14 and divide it into 80, it gives only 5 working days and a fraction for every appropriation bill, leaving out all other legislation. I believe the time will come—and it has come now—in the his-

tory of this country when Congress ought to change its session. I do not believe that we ought to confine the short session of Congress from the 1st of December to the 4th day of March. We ought to meet in January and remain in session six months, so as to have ample time to thoroughly consider these appropriation bills and the needs of the country.

So far as I am concerned, there has not been a day in fifteen days that I have not attended a committee meeting, and I presume other Senators are situated the same way. Take the Committee on Appropriations; take the Committee on Post-Offices and Post-Roads, and other committees; they have to convene with a view and purpose of considering their work without conflicting with each other—

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. CLAY. Certainly.

Mr. LA FOLLETTE. I have not attended committee meetings every day for fifteen days, Mr. President; and there are other Members of this body who have not been called upon to do so. I have attended the meetings of the committees of which I am a member. I wish to suggest to the Senator from Georgia, and to other Senators, that if there was a little different distribution of the committee service here the burdens of a few of the Senators would not be quite so heavy. There are about seven committees that transact all the business of this body, and some fifty-odd Senators are not members at all, who are assigned to the important duty of Standards, Weights, and Measures, or the Investigation of the Potomac River Front, or the Expenditures in the Agricultural Department, a committee which, I think, has never had a meeting.

A majority of the Senators in this body are assigned to committees that are not transacting the important business of the legislation which is now pressing for consideration. I will not trench further on the time of the Senator.

Mr. CLAY. Go ahead.

Mr. LA FOLLETTE. It is a subject that I will recur to from time to time during the remainder of this session. I will not take more of the Senator's time now. I thank him for yielding.

Mr. CLAY. Mr. President, I can not say all I want to say this morning. I know the time of the Senate is precious. So far as I am concerned, I believe we ought to get through during this session every single appropriation bill, and I believe that when the extra session of Congress is convened we ought to consider nothing except tariff legislation, and to consider it thoroughly in the least possible time. I believe that the American people ought to know at the earliest practicable day what are the schedule rates fixed, in order that business may adjust itself. I believe it to be the duty of Congress to arrange those schedules and to make such substantial revisions as justice and the best interests of the country demand at the earliest practicable and possible day. I do not believe that a more serious danger could threaten the business interests of this country than to sit here eight or ten months and discuss tariff schedules before they are fixed. The manufacturers and the farmers and the business interests of this great country want to know at the earliest possible day what Congress is going to do in regard to the tariff, and so believing I believe it to be the duty of Congress to pass every one of these appropriation bills, if we can possibly do so, at this session of Congress. Hereafter change the time of the meeting of Congress. The country has outgrown these short sessions of Congress, and the business interests of the country demand that Congress shall convene in January and remain in session for six months, so as to have these appropriation bills thoroughly considered, and all other legislation necessary for the best interest of the country. The appropriation bills do not receive that careful attention their importance demands at the short session of Congress.

Mr. LA FOLLETTE. Mr. President, I agree with the Senator from Georgia that the extra session is going to be a very important one. No legislation could be of greater concern to the business interests of the country than the legislation which will be dealt with at that time. But I hope that the suggestion of the Senator from Georgia that that legislation is to be put through on "greased ways" will not materialize when the session comes.

Mr. CLAY. I did not catch the Senator's remark.

Mr. LA FOLLETTE. I used a figure of speech that the great tariff bill should not be put through on a greased runway.

Mr. CLAY. The Senator from Georgia never insisted upon any such proposition. The Senator from Georgia insisted that the tariff ought to be honestly and thoroughly revised, as the best interests of the country demand, at the earliest possible day.

Mr. LA FOLLETTE. But he suggested a time limit for the consideration of that bill.

Mr. CLAY. The Senator from Wisconsin does not desire to misquote me. I did not fix any time. I said we ought to consume the necessary time to revise the tariff thoroughly and to the best interests of the country, and that we ought to work continuously for the purpose of accomplishing those results without any delay.

Mr. LA FOLLETTE. I have no desire to misquote the Senator from Georgia. I understood him to name some months within which that bill ought to be disposed of. But be that as it may, I hope to see the tariff bill, when it comes over to this body from the House, where it will originate, thoroughly discussed paragraph by paragraph.

However, Mr. President, the Senate will not be able to take up the debate upon the tariff bill until it receives the bill from the House. I do not conceive that it would be such a terrible calamity to this country if the proper consideration of some appropriation bill should carry it over to the extra session. Legislative committees would then have to be appointed, and bills now in committees and on the calendar which have not been able to get any consideration here, for one reason or another, could then receive consideration.

Mr. President, we are having the old experience over and over again. At the beginning of every session resolutions are introduced. They are discussed and legislation waits. We give over the time of the Senate and the time of the House through the early part of the session to unimportant matters, and it seems sometimes to an observer for the very purpose of consuming time and preventing the consideration of business for which the people of this country wait, and wait in vain. Then, all the latter part of the session is taken up with the appropriation bills, to the exclusion of everything else.

We never hear any complaint from the Senators who control the order of business here because of this waste of time at the beginning of the session. They then let debate take its course. It goes on and on, day after day, week after week, productive of nothing but talk—talk that serves to prevent the consideration of measures that have waited a quarter of a century for the attention of Congress.

It was just such methods that for nine years prevented the consideration of the amendment to the interstate-commerce act, after the decision in the maximum-rate case. The Interstate Commerce Commission appealed to Congress for an amendment to restore to them the power to determine what reasonable rates should be.

It was not until public opinion finally gathered volume and strength enough to make itself felt here. After nine years of persistent appeal from the Interstate Commerce Commission, and after the President of the United States, in three successive messages, had urged the consideration of these repeated recommendations of the commission—I say it was not until after nine years of that sort of thing; nay, more than that, it was not until after a national association had been formed by the business men of this country, leading shippers, and leading merchants—

Mr. PENROSE. Mr. President—

Mr. LA FOLLETTE. Organized into—I do not yield for just a moment; I will yield in a few moments—

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. PENROSE. I wanted to ask the Senator whether this was the lecture he has been recently giving? It has a familiar sound. [Laughter.]

Mr. LA FOLLETTE. Well, Mr. President, the Senator does not gain any time by interruptions or observations of that sort. It has a familiar sound, and it will have a more familiar sound, I will say to him.

When the legislation that was urged as a public necessity, I say, by the great Interstate Commerce Commission, created by this body, clothed by this body not only with the power but having the obligation imposed upon them at each session of Congress to report to Congress what legislation the country needed with respect to railway rate regulation—I say, after nine years of their appeal, and after three successive annual messages from the President of the United States urging that legislation—it took the organization of a national association of business men, maintaining here at the capital a strong organization, to appeal to the representatives of the people to do the business of the people that the country demanded, before any pretense was made to legislate upon the subject.

The same is true as to other important measures. It took seventeen years of organized national effort to put through Congress a pure-food law to protect the lives and the homes of this country. For forty years the Postmasters-General have

recommended, when they have touched the subject at all, the establishment of postal savings banks.

Mr. President, I only want to say this in conclusion: We will get along faster with these appropriation bills if we are given a little time to look them over after they have been reported from the committees. So far as I am concerned, there will be no factious or obstructive tactics pursued if that opportunity is afforded. That is all I ask.

Mr. PENROSE. Mr. President, I shall not sit silent in my seat while misstatements are made or claptrap statesmanship is attempted. The Committee on Post-Offices and Post-Roads has been criticised by the Senator from Wisconsin [Mr. LA FOLLETTE], and the method of selecting committees has likewise been criticised by him.

I make the statement, without fear of contradiction, that he has been on the Committee on the Census during his service in this Senate and has failed to attend a single meeting of that committee. I make the statement, without fear of contradiction, that he is on the Committee on Claims, and has only attended once or twice in all his service a meeting of that committee, and that attendance was only to bring up some trivial claims bill. I make the statement, without fear of contradiction, that he has been, until recently, on the Committee on Pensions, a committee holding and considering one of the largest appropriation bills pending before Congress every year, and that, according to the unanimous testimony of all his colleagues on that committee, regardless of party, he has hardly ever attended a session of that committee. I make the statement, without fear of contradiction from him or any other Senator, because the statement is confirmed by the testimony of every member of the committee, regardless of party, that on the important Committee on Indian Affairs, considering every year a most important appropriation bill, important to his constituents and to the great western country, he has seldom been present and has never rendered useful service thereon; and that while he indicates this craving for future committee assignments, he is already on two committees with appropriation bills, and pays no attention to either of them.

Mr. GALLINGER. And he has been in the Senate four years.

Mr. PENROSE. He has been in the Senate four years; and there is no Member of this body—and I cite the records of the Senate as my proof—who has a larger record for absenteeism than himself. It ill becomes him to criticise other Senators or any committee for negligence, inattention, or absenteeism.

I further make the statement that when he is here it is but to delay the business of the Senate, to hold up the transaction of the public business, and to embarrass those who, under their oath of office and in the conscientious discharge of their duties, are endeavoring to carry the burdens of the senatorial office. These sentiments I believe my colleagues will voice, and I shall not sit here—and I desire to give notice to the Senator from Wisconsin—and listen to arguments that better become the vendor of a patent medicine from the tail end of a cart in a remote village in Wisconsin than they do the deliberation and the dignity of the Senate of the United States. [Laughter and applause.]

The VICE-PRESIDENT. The Chair must admonish occupants of the galleries that applause is not permitted under the rules of the Senate.

Mr. LA FOLLETTE. Mr. President—

Mr. GALLINGER rose.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. GALLINGER. I rise to a question of order, Mr. President. I ask that Rule XIX be read.

The VICE-PRESIDENT. The Secretary will read Rule XIX at the request of the Senator from New Hampshire.

The Secretary read as follows:

#### RULE XIX. DEBATE.

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. GALLINGER. Mr. President, I do not propose to invoke this rule, but I think the Senator from Wisconsin [Mr. LA FOLLETTE], who has spoken three or four times on one question, when the rules only permit him the privilege of speaking twice, ought not to delay the Senate unduly. I shall not ask that the rule be enforced now, but I simply wished to call it to the attention of the Senate; that was all.

Mr. LA FOLLETTE. Mr. President, I do not ask for any indulgence from the Senator from New Hampshire [Mr. GAL-



LINGER], or any other Senator here, with respect to the rules. I purpose to observe the rules of this body in debate. They have been enforced sometimes with undue strictness, I have thought, with reference to myself. I have had them applied to me when debate has been permitted to run on here, and Senators took the floor as many times as they pleased upon a single amendment. I can very easily delay the brief reply which I wish to make to the Senator from Pennsylvania [Mr. PENROSE] until another amendment is pending before this body and keep entirely within the rules; but what I have to say will compass but a moment of time, and I will say it now, unless I am called to order.

It is of little value, I presume, to utter a contradiction here to much that has been said. It puts the word of one Senator against that of another. I have not attended the meetings of some of the committees to which I was assigned. I attended the meetings of the Committee on Claims once or twice. It was not a committee upon which I felt I could render any service, and I asked the Senate to relieve me from further service upon it. The Committee on the Census, in the early part of this session, had legislation under consideration, and that is the only legislation that I have been informed has been before that committee since I have been a member of it. I was absent at my home in Wisconsin immediately following the holiday recess for about one week, and during that time the bill was under consideration and was reported.

I think I have been reasonably diligent in my attendance upon the Committee on Indian Affairs. I do not believe that the Senator has the warrant and authority of my associates and colleagues upon that committee for any such statement as he has made.

Mr. PENROSE. The unanimous testimony of the members of that committee is that of nonattendance.

Mr. LA FOLLETTE. I would have more confidence, I would say, in that statement if Senators who are members of that committee made the declaration themselves.

I was absent from the sessions of this Senate for two months last session, confined to my home in this city by a severe illness. During that time the chairman of the Committee on Interstate Commerce [Mr. ELKINS], in discussing legislation here, referred to my absence as a political mission in Wisconsin. It was very unjust.

Mr. ELKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. LA FOLLETTE. I can cite the Senator to the statement. I yield.

Mr. ELKINS. I have no remembrance of it whatever.

Mr. LA FOLLETTE. I will tell the Senator what bill was under consideration here at the time. It was the railroad ex-emption bill. I will bring to the Senator's attention the exact language that he used.

Mr. ELKINS. I wish the Senator would, and I ask him now to do so, because I have no remembrance of it whatever, and I think the Senator is mistaken. Whatever was said is in the RECORD.

Mr. LA FOLLETTE. It is in the RECORD, and I will bring it to the Senator's attention. I did not consider it, Mr. President, of importance enough to bring it up here until on this occasion. Except for the absences enforced by sickness since I have been a Member of this body, and such absence as was necessary in the preparation for discussion upon the floor of the Senate of important legislation, I have not been absent a day since I have been a Member of this body, excepting five days following the holiday adjournment of this present session. At that time I was at my home, superintending the publication of the magazine which I am issuing, and it seemed absolutely necessary that I should give a few days of attention to that business at that time. Other than that, I have been in attendance upon the sessions of the Senate since I have been a Member of it every day.

With reference to the character of my work when I am here, Mr. President, the RECORD speaks for that. The opinion of the Senator from Pennsylvania, with respect to that, counts for nothing with me. Against his coarse and vulgar assault I put my record since I have been a Member of this body.

Let me say to him and to other Senators here who do not agree with me with respect to matters of legislation, You can take no course which will deter me from exercising my rights upon this floor and expressing my views upon legislation and upon the orderly conduct of the business of this body. If you were better acquainted with me, you would know that.

Mr. GALLINGER. Regular order, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 3, after line 11, to insert:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster-General," on page 11, line 10, before the word "hundred," to strike out "nine" and insert "seven;" and in line 11, before the word "eight," to insert "fifty," so as to make the clause read:

In all, \$31,758,500.

Mr. LA FOLLETTE. My attention was distracted for a moment. I ask on what page is the amendment which has just been read?

The VICE-PRESIDENT. On page 11, line 10.

Mr. PENROSE. Mr. President, this amendment was discussed by the Senator from Georgia [Mr. CLAY] a short time ago. I then stated that I had been directed by the committee to offer four or five amendments—

Mr. LA FOLLETTE. Mr. President, I do not find the amendment.

Mr. PENROSE. I have the floor, Mr. President.

The VICE-PRESIDENT. It is the amendment on page 11, line 10.

Mr. PENROSE. I believe I have the floor. I have not yielded the floor to the Senator from Wisconsin for the purpose of making an inquiry.

Mr. LA FOLLETTE. I do not know whether or not the Senator has the floor. I was in my seat and addressed the Chair, and was recognized by him.

The VICE-PRESIDENT. Senators will be in order. The Senator from Wisconsin rose to make a proper inquiry.

Mr. PENROSE. I have no doubt—

The VICE-PRESIDENT. The Chair will answer the Senator from Wisconsin. The amendment is in line 10, page 11. The Senator from Pennsylvania is in order.

Mr. PENROSE. I did not understand, Mr. President, that I had yielded to the Senator from Wisconsin for the purpose of making an inquiry.

The VICE-PRESIDENT. The Senator from Pennsylvania.

Mr. PENROSE. As I have heretofore explained, I now offer by direction of the Committee on Post-Offices and Post-Roads several amendments to the phraseology of the following paragraphs to correspond with the reduction of the total amount.

The VICE-PRESIDENT. The amendments proposed by the Senator from Pennsylvania on behalf of the committee will be stated.

The SECRETARY. On page 7, at the end of line 23, after the word "stations," it is proposed to strike out "eighty-four," and insert "sixty."

The amendment was agreed to.

The SECRETARY. On page 8, line 9, after the word "stations," it is proposed to strike out "one hundred and thirteen" and insert "one hundred and eighteen."

The amendment was agreed to.

The SECRETARY. On page 8, line 20, after the word "stations," it is proposed to strike out "one hundred and seventeen" and insert "one hundred and five."

The amendment was agreed to.

The SECRETARY. On page 9, line 6, after the word "stations," it is proposed to strike out "one hundred and sixty-two" and insert "one hundred and twenty-two."

The amendment was agreed to.

The SECRETARY. On page 9, line 18, after the word "stations," it is proposed to strike out "four hundred and thirteen" and insert "three hundred and sixty-nine."

The amendment was agreed to.

The SECRETARY. On page 10, line 5, after the word "stations," it is proposed to strike out "six hundred and thirty" and insert "six hundred and six."

The amendment was agreed to.

The SECRETARY. On page 10, line 14, after the word "stations," it is proposed to strike out "six thousand nine hundred and sixty-one" and insert "five thousand six hundred."

The amendment was agreed to.

The SECRETARY. On page 10, line 19, after the word "stations," it is proposed to strike out "seven thousand eight hundred and fifteen" and insert "eight thousand three hundred and fifteen."

The amendment was agreed to.

The SECRETARY. On page 10, line 24, after the word "matter," it is proposed to strike out "six thousand" and insert "seven thousand."

The amendment was agreed to.

Mr. PENROSE. The amendment of the committee on page 11, line 10, was stated by the Secretary, but has not yet been acted upon.

The VICE-PRESIDENT. The question is on agreeing to the amendment referred to by the Senator from Pennsylvania.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 13, line 18, before the word "thousand," to insert "and seventy-five," so as to read:

For rent, light, and fuel for first, second, and third class post-offices, \$3,975,000, of which sum not to exceed \$50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 14, line 6, before the word "thousand," to insert "and fifteen," so as to make the clause read:

For miscellaneous items necessary and incidental to post-offices of the first and second class, \$315,000.

The amendment was agreed to.

The next amendment was, on page 14, line 20, after the word "service," to insert "and for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, \$155,000;" in line 22, before the word "twenty-nine," to insert "In all;" in line 23, before the word "hundred," to strike out "four" and insert "six;" and in line 23, before the word "thousand," to strike out "sixty-eight" and insert "twenty-three," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, and for the pay of letter carriers in second-class post-offices eligible for promotion to the fifth grade, \$155,000. In all, \$29,623,500.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the word "thousand," to strike out "and twenty," so as to make the clause read:

For pay of letter carriers, substitute and auxiliary letter carriers at new offices entitled to city delivery service, \$100,000, of which sum \$20,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster-General," on page 16, line 23, before the word "dollars," to strike out "one million" and insert "nine hundred thousand;" and in the same line, after the word "dollars," to strike out "and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, \$1,388,759, under the provisions of the law, for a period not exceeding ten years," so as to make the clause read:

For the transmission of mail by pneumatic tubes or other similar devices, \$900,000.

The amendment was agreed to.

The next amendment was, on page 18, line 6, before the word "thousand," to strike out "and sixty-eight," so as to make the clause read:

For inland transportation by railroad routes, \$46,500,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of July, 1910, upon the conditions and at the rates provided by law, the average daily weight to be ascertained, in every case, by the actual simultaneous weighing of the mails for thirty-five successive days, commencing on such date as the Postmaster-General may designate each year, and the result to be stated and verified in such form and manner as the Postmaster-General may direct, and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer route or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route; and the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route, and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them.

And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law.

Mr. LA FOLLETTE. Mr. President, is this the amendment on page 18?

The VICE-PRESIDENT. It is the amendment on pages 18 and 19.

Mr. LA FOLLETTE. I should like to ask the chairman of the committee in charge of this bill, approximately, what addi-

tional cost that will impose upon the Post-Office Department annually?

Mr. PENROSE. Mr. President, I would say for this amendment that it is the same amendment, I believe, in identical phraseology—

Mr. LA FOLLETTE. I understand that.

Mr. PENROSE. If the Senator will wait one moment until I lead up to his question—which passed the Senate at its last session without any opposition. It is strongly recommended by the Postmaster-General, and when the matter comes up for debate, if it does, I shall have his letter read.

At the last session of Congress the amendment went out in the House, and I have no idea that the House will concur in it this year. Rather than have any prolonged debate I would be willing to sacrifice the paragraph; and, in any event, if it is going to lead to any prolonged debate now, I would suggest that we pass this item over and finish the remainder of the bill.

As to the exact increase that this will cause the department, I believe the Senator from Montana [Mr. CARTER] has looked a little more carefully into the matter than I have, and I would ask him to explain it.

Mr. CARTER. Mr. President, the mail is now being weighed in one-fourth of the country every year. As the Senator from Wisconsin [Mr. LA FOLLETTE] knows, the country is divided into four districts, and all the mail in each district is weighed once in four years. The purpose of the department in making the recommendation is to secure uniform weighing throughout the country simultaneously. A slight computation will show that the weighing every four years in a given district is conducted for one hundred and five days consecutively. This amendment proposes to have weighing done throughout the whole country for a period of thirty-five days each year.

The exact difference in cost between weighing each year for thirty-five days or once in four years for one hundred and five days is somewhat difficult to compute. The opinion of the department, as expressed by the officers whom I have consulted, is that there will be no considerable increase of expense, although there probably will be some increase in computations at Washington. I believe that is the view the department has expressed on the subject.

The letter of the Postmaster-General on this phase of the questions contains a statement which I will read, from page 159 of the print of the appropriation bill of last year, which is available at the room of the committee, and I think in the document room. After certain computations the statement runs as follows:

From the above it appears that the probable expense of a one hundred and five days' weighing (that is, ninety working days, as provided for by present law) would be \$1,388,461.78. This covers the expense of weighing the mails throughout the entire country, and covers a period of four years. It also appears that the cost of a thirty-five days' weighing for the entire country would be approximately \$462,820.58, but for one year's weighing only. The cost, therefore, of the weighings for four years upon this basis would be four times this amount, or \$1,851,282.36. Therefore the difference between these aggregates would be \$462,820.58, and represents the increased cost for a period of four years if annual weighings upon the thirty-five days' basis were inaugurated, or an average increase per annum of \$115,705.14.

That is a computation which is only approximate, but is probably pretty liberal in allowance.

Mr. LA FOLLETTE. I was not able to hear plainly enough to determine just what the \$115,000 refers to. I caught the figures, but lost the rest of it.

Mr. CARTER. The annual increase would be, according to the statement of the Postmaster-General—

Mr. LA FOLLETTE. That is, the increase in expense?

Mr. CARTER. In the expense of weighing annually instead of quadrennially.

Mr. LA FOLLETTE. Yes, sir.

Mr. CARTER. For thirty-five days annually instead of one hundred and five days every four years, it would make an additional expense of \$115,705.14 per annum.

Mr. LA FOLLETTE. Let me ask the Senator, before he takes his seat, at what time in the year the mails would be weighed under the proposed amendment, if he has the information?

Mr. CARTER. That has been thoroughly considered at different times. First, it was proposed to fix the date upon which the weighing should commence, but it was suggested, and, I think, very aptly, too, that this would warn the railroads of the time when the weighing was to occur and perchance aid in padding the weights at that time. In order to guard against such a contingency the Postmaster-General is given authority to fix the date at which the weighing shall begin, and, it is assumed, would fix a date covering a period following, which would give a fair average for the year.

Mr. LA FOLLETTE. I should like to propound another inquiry to the Senator from Montana, who seems to be informed



about this amendment. What probable increase will this reweighing of the mails make in the amounts that the railroads will receive from the Government for carrying the mail?

Mr. CARTER. That, of course, depends upon the growth of the country. I believe the average increase in four years, for a period of many years past, has been about 28 per cent in the weight of the mail, or 7 per cent per year. I think the increase is somewhat less than 28 per cent, and the annual increase, therefore, between 6 and 7 per cent. Seven per cent may be a round statement, or 6 per cent may be. The mail increases in volume more rapidly some years than other years, but there has not been a decrease, so far as I am advised, during any year over a preceding year.

According to the figures stated, the increase of weight each year would be between 6 and 7 per cent of the aggregate weight of the preceding year. The amount of expense I have not computed, and it could not be computed without taking into consideration the fact that the adjustment occurs every four years. This would subdivide it. Probably the average weight of the mail for the period of four years would be about one-half the increase during the four years, or, say, not to exceed 14 per cent—7 per cent per year. The exact amount in dollars and cents can not well be computed, because we are not advised as to what the weights will be. The Senator can make a computation, I presume, upon the theory that there will be 6 to 7 per cent increase annually.

Mr. LA FOLLETTE. I have not been able since the bill came up for consideration to get any data from which I could make that computation. A member of the House Committee on the Post-Office and Post-Roads sent me a statement referring to this very amendment, from which I read the following:

This amendment will mean an increase of cost in the transportation of the mails of \$2,500,000 to \$3,000,000.

That is, it will increase the pay of the railroad companies for transporting the mails to that amount.

It will be remembered, Mr. President, that at the time the last appropriation bill was passed, two years ago, there was an effort to incorporate into the bill an amendment with respect to the divisor employed by the Post-Office Department in computing mail weights for a week's weighing, as I remember now—I am stating it from recollection—it having been the practice of the Post-Office Department to weigh the mails for a certain number of days and then compute the average by using as a divisor, not the number of days on which the mails had been actually weighed, but by using a smaller divisor, resulting in a false average and in paying the railroads for carrying the mails several million dollars a year more than they were justly entitled to receive. I recall that an amendment to correct this evil practice was placed upon the post-office appropriation bill in the Senate, and that it was dropped from the bill in conference.

I am informed that the Post-Office Department, recognizing the justice of the purpose of that amendment and the wrongfulness of the established practice in the department, made new rules for weighing the mails and corrected the wrong.

The result of that action has been a reduction in the compensation which the railroads receive, as the railroads now claim, of three or four million dollars.

This proposed new system of weighing, according to the information which has been submitted to me and which I just read, stating my authority, will give the railroads more than half as much extra pay as they have lost by reason of the correction of the average weights of mail matter carried.

No one will contend that the railroad companies ought to carry the mail for less than is reasonable. This proposition to weigh the mail once a year instead of once in four years, upon its face, looks reasonable. If the companies received no more than a reasonable sum for their service, it is not just that the weights should be fixed at a given period, and they be required through four years from that period to carry the mail at that weight, while there is a constant increase in the weight each year throughout the four-year period. But, Mr. President, I am confident that the railway companies are grossly overpaid for their services in transporting the mails, and that, equitably, they have not in fact any claim to make for an increase in pay because of any possible increase in weight, however fair it may appear upon its face.

Mr. President, the Senator from Pennsylvania excused his opposition to the increase in pay for employees in the Railway Mail Service on the ground that it is necessary to protect the Treasury against the draught which would have resulted from the adoption of that amendment. If he had applied the same rule and been as considerate in protecting the Treasury against the large increase which this amendment will certainly make

in favor of the railroads, he would not have reported it for concurrence, because it can only result in making a tax of some two or three million dollars upon the Treasury.

Mr. President, in view of that fact, I make the point of order that this amendment is general legislation upon an appropriation bill.

Mr. PENROSE. Before a ruling is made, I should like to correct a statement—

Mr. LA FOLLETTE. I withhold the point of order.

Mr. PENROSE. Made with a looseness that is not unusual with the Senator from Wisconsin, that two or three million dollars are involved in this amendment. From the best investigation which I can make I find that it is a matter of about \$100,000 additional cost, with perhaps a saving to the Government by the adoption of the paragraph. But, as I told the Senator in the beginning, I do not care whether the amendment remains in the bill or not.

Mr. LA FOLLETTE. Before I raise the point of order again I will say that the Senator from Pennsylvania evidently heard only a part of what I said on the subject. I understand perfectly well that the extra cost of weighing the mail once a year is something over \$100,000. I was able, in the rush this morning, to get that information over the telephone from the Postmaster-General. That was as near as he could estimate it.

But in addition this amendment will impose upon the Treasury a tax of some two or three million dollars in the form of additional pay to the railroads; and I am informed by the same authority upon which I make this statement—a member of the Committee on Post-Offices and Post-Roads of the House—that there has been a large railway lobby here asking the enactment of this proposition. I do not know whether they constitute the people referred to by the Senator from Pennsylvania this morning when he said that there were gentlemen waiting who were anxious to have the bill disposed of.

Mr. President, I make the point of order against the amendment.

Mr. CARTER. I ask the Senator from Wisconsin to withhold the point of order.

Mr. LA FOLLETTE. I withhold it for a moment.

Mr. CARTER. Mr. President, in order that the persuasive reasons advanced by the Postmaster-General—presented to the committee in the form of letters last year on the amendment then adopted, which was identical with the one now under consideration—may appear, I ask unanimous consent to insert in the Record as a part of my remarks the letters of the Postmaster-General relating to this question. They are instructive and set forth the reasons that impelled the committee to place the amendment in the bill.

The VICE-PRESIDENT. Without objection, permission is granted.

The letters referred to are as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 23, 1908.

Hon. BOIES PENROSE,  
Chairman of Committee on Post-Offices and Post-Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request to be advised with reference to the bill S. 6157, introduced by Senator CARTER on March 16, 1908, "To provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," I have to state as follows:

The bill is identical, with one exception, with the revision made by the department of a draft of a provision submitted by the House Committee on the Post-Office and Post-Roads, and with the changes hereinafter suggested meets with the approval of the department, provided the Congress sees fit to thereby increase the expenditures for transportation of the mails by railroad routes. The compensation for carrying the mails on each route is now adjusted upon a quadrennial weighing. Such adjustment continues without change in the rate of pay for the succeeding four years. Inasmuch as the country is growing rapidly and the weights of mails are therefore proportionately increasing, it is often insisted by railroad companies that if the rate of compensation is no more than adequate at the time of the weighing (and they claim that it is not) it becomes inadequate for the increased service performed before the next quadrennial weighing. An annual weighing would give a readjustment upon the annual increase of the weights of mails and would appear to be equitable and fair. It should, however, be borne in mind that such a provision would increase the gross amount paid for such transportation of the mails and would also add to the annual expense incident to the weighing of the mails. Under the present practice the routes are weighed once in every four years.

The increase in the weight of mails occurring during a four-year period is not represented by increase in rate of compensation until the adjustment for the succeeding term, which adjustment continues for the next succeeding four years. Under the provisions of this bill the adjustment would continue for only one year and the companies would receive the increased compensation each succeeding year for the increase in weight for each preceding year.

A careful estimate has been made as to the probable increase in the expense for the weighing of the mails—that is, for weighers, tabulators, etc. The following table will show the actual cost for the last four weighings by sections, the estimated cost for each of said sections for thirty-five days based upon the actual cost for the weighing period, and

the estimated cost by sections for one hundred and five days based upon the same rate:

Weighings.	Number of days.	Actual cost paid weighers, etc.	Estimated cost if weighing had lasted only 85 days.	Estimated cost if weighing had continued for 105 days.
Second section, 1904.....	84	\$108,521.79	\$45,217.55	\$135,652.65
First section, 1904.....	70	280,817.17	122,094.42	366,283.26
First section, 1905.....	91			
Fourth section, 1906.....	105	296,726.66	98,908.89	296,726.66
Third section, 1907.....	105	589,799.21	196,599.73	589,799.21
Total.....			462,820.59	1,388,461.78

From the above it appears that the probable expense of a one hundred and five days' weighing—that is, ninety working days, as provided for by present law—would be \$1,388,461.78. This covers the expense of weighing the mails throughout the entire country, and covers a period of four years. It also appears that the cost of a thirty-five days' weighing for the entire country would be approximately \$462,820.59, but for one year's weighing only. The cost, therefore, of the weighings for four years upon this basis would be four times this amount, or \$1,851,282.36. Therefore the difference between these aggregates would be \$462,820.58, and represents the increased cost for a period of four years if annual weighings upon the thirty-five days' basis were inaugurated, or an average increase per annum of \$115,705.14.

As to the specific provisions of the bill, I have the following to say: In lines 9 and 10 provision is made for commencing the weighing the first Monday in March each year. It is believed in the Department that such a provision would be inadvisable. It has been customary to weigh the mails in the New England section, for instance, in the fall of the year, for the reason that it is believed to furnish a better average than a weighing at any other season. There are a few exceptional cases also, such as summer routes, where it becomes necessary to weigh at a different season than that during which other routes are weighed. Moreover, where the period is absolutely fixed by law there would be no discretion left in the Postmaster-General to extend a weighing to meet unusual and extraordinary emergencies that might arise in special localities. In lieu of this provision I would suggest the words, following the word "days," in line 9, "at such time, each year."

The bill further provides for the use of the whole number of days included in the weighing period as a divisor for obtaining the average daily weight. This will give legislative expression to the present practice of the department, based upon my order No. 412, of June 7, 1907.

The bill further provides for an equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service. This will give legislative expression to the practice of the department recently adopted.

The immediate administrative difficulty in administering such a law will be in the completion of the adjustments with the present limited force of the Division of Railway Adjustments. It is apparent that so far as computations for adjustments and the work consequent thereto are concerned there will be four times the amount of work that is now required. It will be impossible for the present force to complete that work within the time necessary to make proper payments to the railroad companies. It is believed, however, that this difficulty can be overcome until adequate provision is made in the legislative bill for additional force if provision is made which will permit not only the tabulation to be done at Washington, but the employment of tabulators in assisting upon the computations and adjustments. In order to clearly provide for this work, it is suggested that the last paragraph of the proposed bill be modified by the insertion of the words "and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations" after the word "Columbia," in line 21.

The provision, as changed by these suggestions, would read as follows:

"That the Postmaster-General be, and is hereby, authorized and directed to readjust annually the compensation to be paid for the transportation of the mails on railroad routes from and after the 1st day of July, 1909, upon the conditions and at the rates provided by law, the average daily weight to be ascertained in every case by the actual weighing of the mails for thirty-five successive days, at such times each year after June 30, 1908, and the result to be stated and verified in such form and manner as the Postmaster-General may direct; and the whole number of days included in the weighing period shall be used as a divisor for obtaining the average daily weight. In connection with such weighing and readjustment, where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the mail service, the Postmaster-General may send such mails by either route, provided the allowance for the carriage of the same by the longer or more expensive route shall not exceed the cost of the carriage of an equal weight of mail between the same points by the shorter or less expensive route. And the Postmaster-General shall give the company carrying such mails advance notice of his intention to take their weights separately from the other mails of the route and readjust the compensation for the carriage of the same on the basis of their value on the shorter or less expensive route, and shall report weekly during the time of such weighing the weights of such mails to the company carrying them."

"And out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 23, 1908.

HON. BOIES PENROSE,  
Chairman of Committee on Post-Offices and Post-Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring further to the request to be advised in regard to bill S. 6157, introduced by Senator CARTER on March 16,

1908, "To provide for a uniform and simultaneous weighing of the mails on railroad routes, and an equitable adjustment of the compensation for the carriage of such mails," and to my letter of the 23d instant, I wish to call more specific attention to the practice of the department in regard to the equalization of cost of transportation where there are two or more routes by which the mails may be dispatched between important points with equal facility and advantage to the service, which the bill provides for as a matter of legislation, among others.

In my annual report for the fiscal year ended June 30, 1907, on page 24 attention was called to this new feature of economy in readjustments, and I said as follows:

"The elements of expedition, efficiency, and economy are given consideration in arranging for the transportation of mails on railroads. Where through mails are concerned, the department often has the choice of competing routes. A competing route may be shorter than another, it may be more economical by reason of being a land-grant route, or it may perform important terminal or transfer functions which must otherwise be provided for by the department. After the transportation of the mails has been established over a route and the train schedules remain satisfactory it is not advisable to divert mails merely because a competing route offers to make a satisfactory schedule. The facts that the transportation has been established over such route, that the company has furnished the necessary facilities for their carriage, and that railway postal clerks have been assigned to duty with reference to such mail routing are given due consideration, and if the company carrying the mails can furnish as advantageous service as the competing company it is not advisable to take the mails away from it. Where the department has the opportunity of dispatching mails by competing routes, one of which is shorter or otherwise less expensive than the other, it appears to be but just to the Government when such mails are allowed to remain with the longer or more expensive route, to reduce the compensation paid therefor by the amount which the Government would save if the mails in question were dispatched by the shorter or less expensive route."

"Accordingly the policy has been inaugurated of effecting such a saving in cases of this character arising at the beginning of a contract term, and has been applied in some prominent instances in the readjustments in the third contract section."

While it is impracticable at present to give an accurate statement of the amount of saving to the Government which will result for one contract term even upon the application of this principle to the whole service, it may nevertheless be asserted with entire assurance that the economy will be very considerable. This will be apparent when it is remembered that there is a movement of large volumes of through mails between large commercial and postal centers of the country, as, for instance, between New York and Chicago, New York and Washington, Washington and Jacksonville, Chicago and St. Louis, St. Louis and Kansas City, Chicago and Union Pacific Transfer, Iowa, and the Middle West centers and the Southwest and West. Specific figures can not be given, however, until weighings are had, the mails concerned segregated, and the weights ascertained and their values determined. The importance of such economy is indicated, however, by the facts in one case in the third contract section, where the department secured the benefit of an equalization of the cost of transporting through mails between Chicago, Ill., and Union Pacific Transfer, Iowa. That computation has been completed and indicates the probable saving of approximately \$20,000 a year. This is but one case, and it is believed that the department's efforts in this direction will result in a large annual saving to the Government. While it is the purpose of the department to continue this practice, the desirability of a specific direction by Congress to the same effect is recognized.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., May 5, 1908.

HON. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the request of Senator CARTER that the committee be furnished with a statement of the increase in weights of mails carried by railroads over the entire country for the past four years, I have the honor to submit the following:

It is impracticable to furnish a statement of the increase in the average daily weights for the entire country for any one period of four years, inasmuch as the country is divided into four weighing sections and the weighing of these succeed each other annually, thus making a weighing in any one section occur once only in four years, but not simultaneous with weighings in other sections. The increase in average daily weights at these several weighings will practically represent, however, the increase in the average daily weights for the entire country, providing the weighings were held simultaneously. The following statement will show these increases:

Section 1, weighed 1901, adjusted from July 1, 1901, to June 30, 1905: Increase in average daily weight shown by this weighing 908,436 pounds, or 28.66 per cent.

Section 2, weighed in 1900, adjusted from July 1, 1900, to June 30, 1904: Increase in average daily weight shown by this weighing 219,898 pounds, or 24.27 per cent.

Section 3, weighed in 1903, adjusted from July 1, 1903, to June 30, 1907: Increase in average daily weight shown by this weighing, 559,798 pounds, or 11.97 per cent.

Section 4, weighed in 1902, adjusted from July 1, 1902, to June 30, 1906: Increase in average daily weight shown by this weighing, 1,089,355 pounds, or 69.02 per cent.

Total increase in average daily weights for all sections, 2,777,487 pounds, or 26.89 per cent.

This represents approximately the increase in the average daily weight of the mails for a period of four years.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 15, 1908.

HON. BOIES PENROSE,  
Chairman of Committee on Post-Offices and Post-Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon pages 23 and 24, as follows:

"The act of March 3, 1875 (18 Stat. L. 341), authorizes the payment of the expenses of weighing the mails from the appropriations for rail-



road transportation. The weighing is done in cars and at railroad stations by employees of the department. The results are tabulated in the offices of the superintendents of railway mail service at division headquarters and are then certified to the department, where the average daily weights are computed. For the purpose of securing the greatest economy and uniformity of method it is desirable to have the tabulations made in the department. I therefore recommend that Congress authorize the renting of suitable quarters in Washington to accommodate the special force of tabulators employed upon this work."

I therefore have the honor to recommend to your favorable consideration the enactment into law of the following provision, namely:

"And out of the appropriation for inland transportation by railroad routes the Postmaster-General is authorized hereafter to pay rental in Washington, D. C., in connection with the expenses of taking the weights of mails on railroad routes as provided by law."

This provision might properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill, H. R. 18347, as referred to your committee.

In further explanation of this recommendation, I have the honor to submit the following:

The country is divided into four contract sections, and the mails are weighed, as provided for by law, not less frequently than once every four years. These weighings are ordered by the Second Assistant Postmaster-General, through the division of railway adjustments, and are conducted by the Railway Mail Service. Weighers are employed from available substitute railway postal clerks and others who are employed temporarily during the period. Besides those who actually weigh the mails, there are employed a certain number called "tabulators," who receive the weight cards from the clerks who weigh the mails, adjust all irregularities, and tabulate the weights that are so received daily by trains upon one sheet for each route, which, when completed, shows the total weights taken on and put off for the whole period of the weighing at each station upon the route. This weight circular is certified by the superintendent of the Railway Mail Service and is forwarded to the department, division of adjustments. This last-named division has charge of the adjustments of pay, and the clerks, under the direction of the superintendent of railway adjustments, compute the average daily weights for each route, using therefor the weight circular above mentioned.

It will be apparent that the work of tabulation is essentially a part of the computation of the average daily weight, and therefore of the Division of Railway Adjustments. If these tabulations were done at Washington, under the direction of the superintendent of that division, it would serve good administrative purposes. The force engaged upon the work could be better selected. They would work under one direction and according to a uniform method of procedure. Being employed at one place instead of two, three, or more, the incidental expenses would necessarily be less. Working under one direction and supervision, their services would be more efficient and more economically applied, and the number employed would consequently be less. One special feature about the matter should not be overlooked, even if there was no economy to be attained—that is, that these steps which are preliminary to the adjustment of railroad pay, a subject of such magnitude and importance, should be conducted with the greatest care in order that there may be no errors, mistakes, or wrong certifications. It is evident that this feature could be best accomplished by having these tabulations done at one point and under the direction of the division which makes and is responsible for the computations.

The expense of the weighings are paid out of the appropriation for the transportation of the mails in accordance with continuing authority of law. (Act of Mar. 3, 1875, ch. 128, 18 Stat. L., 341.) There is no additional authority of law required to have the work done and paid for by the employment of tabulators at Washington. The only difficulty in the way is that there is no office room in the department to provide for such additional clerks, and it would be necessary to rent quarters outside. It was for this purpose that the matter was brought to the attention of Congress, in order that authority might be secured to rent such quarters. The payment for the same could be made under the act above referred to. The reason that it is necessary to have additional legislation to authorize such rental is because by the act of March 3, 1877 (19 Stat. L., 370), it is provided that no contract shall be made for the rent of any building or part of any building to be used for the purposes of the Government in the District of Columbia until an appropriation therefor shall have been made in terms by Congress.

It will be seen, therefore, that this recommendation does not involve any additional expenditure excepting what would be incident to the specific authority to rent quarters in Washington for the tabulators. It is now necessary to rent rooms at some division headquarters for this work. It is believed that upon the whole economy of expenditure would be obtained as well as greater efficiency and better administration secured.

Faithfully, yours,

G. V. L. MEYER.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., April 15, 1908.

Hon. BOIES PENROSE,  
Chairman of Committee on Post-Offices and Post-Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your attention is respectfully invited to the recommendation made in my report for the fiscal year ended June 30, 1907, upon page 25, the purpose of which was to secure consideration of needed legislation to enable the department to readjust the rates of pay for railroad mail transportation in cases of the diversions of mails during a contract term. The reasons therefor are fully set forth on page 25 of my report and in the report of the Second Assistant Postmaster-General, on page 144 of the annual report for the Post-Office Department. I have set forth in my report upon the page referred to the specific language of a proposed provision of law, as follows:

"When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom, the Postmaster-General may, in his discretion, ascertain the effect of such diversion by a weighing of the mails so diverted for such number of successive working days as he may determine and have the weights stated and verified to him as in other cases, and readjust the compensation upon the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on either of the routes affected."

This has been prepared in the office of the Second Assistant Postmaster-General by the officer who is charged with the duty of making adjustments and is believed to fully meet the requirements. It might

properly be placed under the paragraph relating to inland transportation by railroad routes, following line 20, page 18, of the postal bill (H. R. 18347), as referred to your committee. I have the honor to recommend this to your favorable consideration.

Faithfully, yours,

G. V. L. MEYER.

Mr. PILES. I should like to ask the Senator from Montana to state what those reasons are. The papers will be put in the Record, but I should like to know now for my own information what the reasons are.

Mr. CARTER. Mr. President, the system of accounting in the Post-Office Department is very unsatisfactory. Some two years ago or more—indeed, three, I think—a joint committee of the two Houses was appointed to investigate the cost of carrying second-class mail matter through the mails. It had been alleged, and, I believe stated, repeatedly in the reports of the Postmasters-General, that it cost 7 cents per pound to carry second-class mail matter, whereas we were receiving only 1 cent per pound for the service. If the statement made in the Postmaster-General's report proved true, it followed, of course, that we were losing 6 cents on every pound of second-class matter carried through the mail.

The joint committee of the two Houses undertook to ascertain the correctness of the statement with reference to the 7 cents per pound. The accountants of the Post-Office Department were summoned, the Postmaster-General was brought forward, several of his assistants were examined, and we found that the Post-Office Department was utterly unable with its system or lack of system to tell anything about the cost of doing any part of the business being conducted. They alleged that one of the great difficulties in the way of stating what the second-class mail matter cost rested in the fact that the weighing over the country was not simultaneously done—that the division of the country into four districts rendered it impossible to tell, for instance, the average distance one of the monthly magazines was carried in the mail, the average distance a daily paper was carried in the mail, the average distance a weekly paper was carried in the mail, the average distance that any of the matter admitted as second-class matter was carried. That followed because the country was divided into sections, some small and some large, geographically. It was stated that if they could weigh simultaneously all over the country they could with almost unvarying certainty determine the distance parcels were carried, the amount originating at different points, and the destination of the average, and thus be able to inform the committee of the cost of doing this kind of business.

Later on, evidently impressed by the infirmity of the accounting system, being desirous of getting such data as would enable the department from time to time to make a statement of the cost, the Postmaster-General called for this annual weighing. The committee reduced the railroad pay, as I remember, about the time this recommendation was made to the amount of about \$6,000,000 per annum—between \$4,000,000 and \$6,000,000—by reducing rates per mile and by a percentage reduction on the routes carrying lighter mail.

Following that reduction, for the purpose, as stated at the time, of getting accurate figures upon which the department could act, stating the cost, the annual weighing was recommended by the Postmaster-General and inserted in the bill.

Mr. LA FOLLETTE. If no other Senator desires to add anything to the discussion upon the paragraph, I raise the point of order.

The VICE-PRESIDENT. What is the point of order?

Mr. LA FOLLETTE. That the amendment under consideration is general legislation upon an appropriation bill.

Mr. PENROSE. I desire to say that I recognize the force of the point of order, and, as I said at the beginning, I have no desire to press this amendment if it will lead to any debate or if any Senator objects to it.

The VICE-PRESIDENT. The Chair is clearly of the opinion that the point of order is well taken, under paragraph 3 of Rule XVI, and therefore sustains the point of order. The Secretary will state the next amendment of the committee.

Mr. LA FOLLETTE. I rose to offer an amendment to a provision on page 20, but it just occurs to me that we are now considering only committee amendments, and that as the amendment is to the House text, it is not in order at this time.

The VICE-PRESIDENT. The amendment is in order now.

Mr. LA FOLLETTE. If it will be in order later, after the Senate committee amendments shall have been disposed of, I will withhold it until then.

The VICE-PRESIDENT. Without objection, it may be presented after the committee amendments shall have been disposed of.

The next amendment of the Committee on Post-Offices and Post-Roads was, in the item for Railway Mail Service, on page

21, line 18, before the word "thousand," to strike out "sixty-five" and insert "fifty-five," so as to make the clause read:

For substitutes for clerks on vacation, \$55,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$23,000.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. BURKETT] offered an amendment to the amendment, which is pending.

Mr. PENROSE. I ask to have inserted in the RECORD a short letter from the Postmaster-General explaining the amendment as it has been put in the bill.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., February 4, 1909.

Hon. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

SIR: H. R. 26305, passed by the House of Representatives January 27, 1909, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, makes no provision for traveling expenses for the officials of the Railway Mail Service, the following paragraph having been dropped out of the bill:

"For actual and necessary expenses of division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$23,000."

I would respectfully recommend that this paragraph be inserted after line 24, on page 19, of the bill as introduced in the Senate and referred to the Committee on Post-Offices and Post-Roads.

Faithfully, yours,

G. V. L. MEYER, Postmaster-General.

Mr. ALDRICH. The amendment just read is subject to the point of order, which will be made. I do not know whether or not the Senator from Nebraska [Mr. BURKETT] desires to be in the Senate when it is made.

Mr. BAILEY. Pass over the paragraph.

Mr. LA FOLLETTE. I have sent the secretary of the Senator from Nebraska to the committee room. I will ask that it be passed over for the moment. The Senator will be on the floor within a few moments.

Mr. PENROSE. I suggest that it be passed over.

The VICE-PRESIDENT. It will be passed over, in the absence of objection.

The next amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Fourth Assistant Postmaster," on page 25, line 24, before the word "thousand," to insert "and fifty," so as to make the clause read:

For stationery, including all money-order offices, \$150,000.

The amendment was agreed to.

Mr. PENROSE. I ask permission to have inserted in the RECORD a letter from the Postmaster-General explaining the reasons for the increase.

The VICE-PRESIDENT. Without objection, permission is granted.

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C. February 2, 1909.

MY DEAR SENATOR: In the post-office appropriation bill, reported from the Committee on the Post-Office and Post-Roads of the House of Representatives (H. R. 26305), several of the appropriations under the control of the Fourth Assistant Postmaster-General have been reduced. The estimates for the fiscal year ending June 30, 1910, as recommended by this office, are exactly the same as the appropriation granted for the fiscal year ending June 30, 1909.

Earnest protest is made against the decrease in the amounts asked for in two appropriations, namely, for "stationery, including all money-order offices," and for "supplies for the city-delivery service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, satchels, straps, baskets, time cards, time-card frames, time-recorder supplies, maps, transfer designs, and stencils."

The department's estimate for stationery was \$150,000; this bill reduces the amount to \$100,000.

On January 31, 1909, \$109,777.97 had been expended from this appropriation, leaving a balance of \$40,222.03, which balance will undoubtedly be expended before June 30, 1909.

In order to maintain the present high standard of efficiency covering the distribution of supplies, this appropriation should be at least as great as is provided for in the current appropriation act.

This statement applies with equal force to the appropriation covering supplies for the city-delivery service.

On the 31st day of January, 1909, \$51,351.62 had been expended from the total appropriation of \$90,000, leaving a balance of \$38,648.38, which it will undoubtedly be necessary to expend during the remainder of the present fiscal year.

Respectfully,

G. V. L. MEYER.

Hon. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 26, line 16, before the word "thou-

sand," to strike out "five" and insert "eight," so as to make the clause read:

For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by postmasters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, \$8,000.

The amendment was agreed to.

Mr. PENROSE. I should like to have unanimous consent to insert in the RECORD a short letter from the Acting Postmaster-General explaining the amendment.

The VICE-PRESIDENT. Without objection, the letter will be inserted in the RECORD, without reading, as requested by the Senator from Pennsylvania.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, February 5, 1909.

MY DEAR SENATOR: It was recently decided to extend the use of lead-sealed registered sack jackets in the Railway Mail Service, as it is believed that the more general use of the lead seal will be in the interest of economy, and also promote expedition in the Railway Mail Service. These seals must be purchased out of the appropriation—

"For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by postmasters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, \$5,000"—

which is under the control of the Fourth Assistant Postmaster-General. There remains of this appropriation a balance of but \$310.95, and in order to put into effect as soon as possible the plan referred to an appropriation of \$1,000 for the purpose has been asked for in the general deficiency bill.

To continue the plan during the next fiscal year will necessitate an estimated expenditure of \$3,000, and it is therefore requested that the amount carried in the above appropriation in the post-office appropriation bill now before your committee be increased from \$5,000 to \$8,000.

Respectfully,

C. P. GRANDFIELD,  
Acting Postmaster-General.

Hon. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 28, after line 11, to insert the following provisos:

Provided further, That the Postmaster-General, for the purpose of ascertaining the practicability of establishing a local parcel-post system on the rural delivery routes throughout the United States, be, and he is hereby, authorized and directed to experiment, and report to Congress not later than January 1, 1910, the result of such experiment, by establishing a local parcel-post system in two counties in the United States for packages originating on the rural delivery routes in said two counties, for delivery by rural carriers to patrons thereof, at such rates and under such regulations as he may prescribe: Provided further, That nothing herein contained shall be taken as authorizing the acceptance or delivery at the special rates of postage so prescribed of any parcel offered by any person acting as agent or representative, upon commission or otherwise, for any person or company not resident on such rural delivery routes: And provided further, That only such parcels shall be received for delivery at the special rates of postage so prescribed as are offered by bona fide merchants or dealers whose regular places of business are on rural delivery routes covered by this act, in the ordinary and regular course of their business, and by residents on such routes in their individual capacity; and the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions.

Mr. BAILEY. I desire to make a point of order against the amendment.

Mr. President, I submit that that amendment is general legislation, and plainly obnoxious to subdivision 3 of Rule XVI.

Mr. PENROSE. A similar objection was sustained to this paragraph last year, and I do not suppose it has grown immune since then.

The VICE-PRESIDENT. The Chair is of opinion that the proposed amendment is in contravention of the rule cited by the Senator from Texas. The Chair, therefore, sustains the point of order.

The next amendment was, on page 29, after line 15, to insert:

That so much of the unexpended balance of the appropriation of \$300,000 for the special weighing of the mails, provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, as may be necessary, not exceeding \$1,411.32, is hereby made immediately available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received.

The amendment was agreed to.

Mr. PENROSE. I should like to have inserted a letter from the Postmaster-General and accompanying statements in connection with this amendment, if there is no objection.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., February 4, 1909.

Hon. BOIES PENROSE,  
Chairman Committee on Post-Offices and Post-Roads,  
United States Senate.

MY DEAR SENATOR: The act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, pro-



vided for a special weighing of the mails and appropriated \$300,000 to pay the expenses. This weighing was duly had and a report to the Postmaster-General made according to law and is printed as House Document No. 910, Sixtieth Congress, first session. By strict economy and efficient management the work was completed without the expenditure of the amount appropriated, there being \$83,044.59 remaining unexpended.

In order to complete the work it was necessary during the latter part of the service to utilize the efforts of the special force of temporary clerks employed upon it to the greatest extent possible. Accordingly many of them worked overtime, for which no compensation could be paid, and relinquished such leave as was due them under the rules and practice of the department in order that all work connected with the undertaking might be completed in accordance with the plans of the department. It was the intention to grant such persons the leaves of absence to which they were entitled following June 30, 1908, but the Auditor for the Post-Office Department and the Comptroller of the Treasury decided that the appropriation lapsed after that date, and that this understanding had with the employees was not such a contract as would permit the payment of any part of the appropriation thereafter subsequent to that time. The result was that by reason of the special industry and consideration shown by these clerks in the prosecution of the work as desired by the department, they lost their leave and pay for the same. The services of all employees remaining were discontinued on June 30, 1908.

I hand you herewith a memorandum giving the names and the amount due each one of the clerks who were so employed. The aggregate is \$1,411.32, and I have the honor to recommend that a paragraph be included in the appropriation bill for the Post-Office Department authorizing the payment of these amounts. The following phraseology is suggested:

"That so much of the unexpended balance of the appropriation of \$300,000 for the special weighing of the mails provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, and for other purposes, as may be necessary, not exceeding \$1,411.32, is hereby made available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received."

Faithfully, yours,

G. V. L. MEYER.

List of clerks who have been granted leave of absence, effective in July, which were subsequently revoked.

Name.	Salary.	Period covered.	Amount.
Mrs. Mamie O. Carrico.....	\$1,100	July 1-6	\$17.74
Mrs. Laura W. Bechtel.....	1,000	July 1-2	5.88
Nora V. Clowe.....	1,000	July 1	2.69
Avis B. Damon.....	1,000	July 1-2	5.88
Mary A. Dodge.....	1,100	July 1-7	20.70
Rosa Lee.....	1,000	July 1-8	21.51
Zula R. Nell.....	1,000	July 1-6	16.13
Augusta Nicolai.....	1,000	July 1-7	18.82
Mrs. Alwilda B. Peake.....	1,000	July 1-6	16.13
Ethel L. Roach.....	1,100	July 1-6	17.74
Mary P. Shallenberger.....	1,000	July 1-3	8.06
Mrs. Carrie J. Yarnell.....	1,000	July 1-7	18.82
Total.....			169.10

Clerks who were entitled to leave in July, but were not granted any leave because of the decision of the comptroller that no payment could be made for personal services out of the appropriation for the special weighing of the mails after June 30, 1908.

Name.	Salary.	Time due.			Amount.
		Days.	Hours.	Minutes.	
Ashby, Margaret.....	\$1,000	1	5	15	\$4.59
Bashford, Mrs. Augusta.....	1,200	17	2	0	55.76
Bohnke, Hubert C. R.....	1,000	23	4	20	63.86
Carr, Margaret E.....	1,200	7	5	55	25.11
Claytor, Elizabeth O.....	1,200	16	0	30	51.81
Cook, Samuel B.....	1,200	20	0	5	64.52
Dunlop, Maude D.....	1,200	13	4	0	43.78
Erb, Mrs. Belle P.....	1,100	14	5	50	43.72
Fridley, Daisy F.....	1,200	22	3	30	72.53
Getty, Arthur R.....	1,000	15	4	35	42.04
Jones, J. Arthur.....	1,200	17	2	55	55.99
Keenan, Mabel.....	1,200	8	0	30	26.04
Little, Clara U.....	1,200	22	5	20	73.27
Lloyd, Alice L.....	1,100	1	5	25	5.07
Lovelless, Daisy L.....	1,200	20	3	0	65.90
Lyon, Malcolm P.....	1,000	22	5	5	61.06
McCormick, Frank H.....	1,100	6	6	5	20.27
Metcalf, Mrs. Elizabeth A.....	1,200	15	6	25	51.15
Murphy, William A.....	1,200	6	1	0	19.81
Roberts, Mrs. Mary R.....	1,200	24	4	15	79.26
Ryan, Edith P.....	1,100	16	0	45	47.52
Schmidt, Mattie L.....	1,000	10	2	40	27.83
Slater, William F.....	1,200	16	0	0	51.61
Shallenberger, Ella L.....	1,200	11	1	10	35.94
Stevenson, Harcourt L.....	1,200	16	4	15	53.45
Walsh, Patrick H.....	1,200	16	4	0	53.45
Weschler, Agnes M.....	1,100	1	5	15	5.06
White, Samuel A.....	1,100	14	2	25	42.24
					1,242.32
					169.10
					1,411.32

POST-OFFICE DEPARTMENT,  
SECOND ASSISTANT POSTMASTER-GENERAL,  
Washington, February 15, 1909.

Hon. W. R. ANDREWS,  
Clerk Committee on Post-Offices and Post-Roads,  
United States Senate.

MY DEAR COLONEL: Referring to our conversation over the phone in regard to the proposed paragraph allowing pay to the temporary clerks engaged on the special weighing for their services rendered in lieu of leave earned and not received, I inclose herewith a copy of the paragraph submitted, with the slight change, which you will observe, of the insertion of the word "Immediately" before the word "available." This will enable us to pay these clerks upon the passage of the bill; otherwise they will have to wait until after July 1.

Very truly, yours,

JOSEPH STEWART,  
Second Assistant Postmaster-General.

So much of the unexpended balance of the appropriation of \$300,000 for the special weighing of the mails provided for by the act of March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1908, and for other purposes, as may be necessary, not exceeding \$1,411.32, is hereby made immediately available for the payment of services rendered by temporary clerks and employees engaged upon the work at Washington, D. C., in lieu of leave of absence with pay earned and not received.

The next amendment was, on page 30, after line 2, to insert:

That section 3834 of the Revised Statutes be amended by striking therefrom the following words: "and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business."

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

That to provide officers and enlisted men of the Navy and Marine Corps with facilities for the remittance of sums of money, pay officers of the navy are authorized to issue postal orders payable at any designated money-order office in the United States, the Philippine Islands, and the Canal Zone, under such regulations as the Postmaster-General and the Secretary of the Navy may jointly prescribe: *Provided*, That the regular bonds of pay officers of the navy shall cover the faithful performance of this duty, and no additional bond shall be required therefor, and that all moneys received for such orders by pay officers shall be accounted for in their regular returns: *And provided further*, That no additional compensation shall be given to pay officers of the navy for the performance of this duty.

The amendment was agreed to.

The next amendment was, on page 31, after line 15, to strike out:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed \$4 per day, \$325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of \$2,000 or more.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to strike out:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the chief post-office inspector, and expenses incurred by inspectors not covered by per diem allowance, \$35,000.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment, on page 22, which was passed over.

Mr. LA FOLLETTE. The senior Senator from Nebraska [Mr. BURKETT] has just sent word that he has found it impossible to leave the room of the Committee on Agriculture and Forestry, and he asked to have presented for him the amendment, which I think he left with the clerk, in lieu of the paragraph proposed by the committee.

The VICE-PRESIDENT. It was offered by unanimous consent and regarded as pending. It is the pending amendment. The Secretary will read, for the information of the Senate, the amendment proposed by the Senator from Nebraska.

The SECRETARY. In place of the committee amendment, on page 2, lines 5 to 10, inclusive, it is proposed to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$2,000,000: *Provided*, That from and after July 1, 1909, railway postal clerks shall be paid their actual and necessary traveling expenses, not to exceed \$1 per day, while away from the terminal where their runs or series of runs begin and end, when actually on duty, such expenses to be paid under the direction of the Postmaster-General.

Mr. ALDRICH. I make the point of order on the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. ALDRICH. That it is general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and sustains the point of order. The question is on agreeing to the amendment of the committee on page 22. It will be stated.

The SECRETARY. On page 22, after line 4, the committee report to insert:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post-Office Department and away from their several designated headquarters, \$23,600.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer an amendment, to follow the word "dollars," in line 7, on page 20.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be read by the Secretary.

The SECRETARY. On page 20, line 7, after the word "dollars," it is proposed to insert the following proviso:

*Provided, That the Postmaster-General shall make an investigation and report to Congress at its next session the cost of building and maintaining post-office cars.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, it is possible that a point of order will be made against the amendment, but before it is made I wish to submit some reasons for offering it.

It is proposed in the bill, as it now stands, to pay to the railroad companies of this country for the rental of railway mail cars used in the service \$4,800,000. This large amount is to be paid to the railroad companies for the use of the post-office cars in which the mail is carried and is additional to the \$46,000,000 paid for carrying the mails.

In the brief time I have had to-day I have not been able to investigate the reports of the different Postmasters-General with reference to this particular proposition, but I remember that while I was a Member of the House in 1887 Postmaster-General Vilas made a recommendation in his annual report of that year. I have it before me, and I will read briefly from it for the information of the Senate.

This bill, carrying as it does \$4,800,000 for car rental, makes an allowance to the railroad companies of the country for the mere use of these cars \$4,229 per car, on the average. I do not know that any observations of mine or any authorities that I might offer here are needed to emphasize the fact that that is an extravagant rental for the use of those cars.

Mr. KEAN. Mr. President, unless the Senator cares to go on with his remarks, I wish to say that I am going to make a point of order on the amendment.

Mr. LA FOLLETTE. I do care to go on with my remarks for a little time, as I stated when I rose.

Mr. KEAN. I will certainly withhold it, then.

Mr. LA FOLLETTE. Postmaster-General Vilas, in his report in 1887, had this to say upon the subject of the rental of cars at that time, and I read only briefly from his report:

It is within bounds to affirm that all these cars—

That is, the railway mail cars—

might be to-day purchased or their duplicates manufactured for \$1,600,000; add for cleaning, etc., as above—

That is, the care of the cars and keeping them in order for use. I ought to have said that this compensation is not only for rental, but requires the railroad companies to keep the cars in use in order—that is, cleaned and repaired. But Postmaster-General Vilas took all that into account in the recommendation he made which followed the portion of his report from which I am now reading:

It is within bounds to affirm that all these might be to-day purchased, or their duplicates manufactured, for \$1,600,000; add for cleaning, etc., as above, at \$720 per year each for 342 in use, \$246,240, the total is reached of but \$1,846,240. Yet simply for the use of these cars for the last year, including cleaning, etc., the department was under the annual rate of charge by the existing system of \$1,881,580; and the estimate deemed necessary to submit in prudent provision for the coming fiscal year, on the same basis, is \$2,000,000.

Reference to special instances in the annexed table of the longer lines discovers greater instances than the average. In illustration, \$59,037.75 is annually paid on one line for the use of 4 cars that might be built and fully equipped in the best modern style for less than \$17,500. And this in addition to the full-weight pay for transportation, amounting in the case mentioned to \$504,573.69.

Instead, then, of appropriating \$2,000,000 to rent the use of these cars for the coming year, why should not the appropriation be of a smaller sum to buy them, and of another—say \$250,000—for their keeping, the two together not aggregating the proposed rent? The department will thereafter gain at least \$1,500,000 per year while sustaining the cost of casualties.

Mr. President, conditions have changed somewhat since that time. The cost of manufacturing cars has increased somewhat, I have no doubt, but, all that considered, it seems to me an unjustifiable extravagance to pay an annual rental for these railway mail cars almost sufficient to enable the Government to

build and own the cars. These cars are railway post-offices. They are post-offices like the local post-offices, except that they are movable. The Government appropriates large sums of money to erect post-office buildings all over this country, and it is simply logically carrying out the plan of the Government owning its own post-office buildings. Here it can be done at an enormous saving to the taxpayers of the country.

If the committees of Congress are anxious to reduce this growing deficiency of the Post-Office Department, here, I submit, is a pretty good place to begin.

Mr. President, in view of the changed conditions since the time when this report was made, I have thought it best to offer the amendment in the form in which I submit it; that is, that the Postmaster-General be asked to make an investigation and report to the next Congress his conclusions with respect to this matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. KEAN. I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and is therefore in contravention of the rule. The Chair sustains the point of order.

Mr. McCUMBER. I move to add at the end of the bill the following:

That on and after July 1, 1909, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service the sum of \$1,200 per annum, payable in equal monthly installments; those serving daily routes of less than 24 miles shall receive as compensation such proportion of \$1,200 as the miles of the routes served by them bears to 24 miles: *Provided, That fractions of 1 mile shall not be considered in fixing such salary: And provided further, That no compensation shall be less than \$600.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I should like to ask the Senator in charge of the bill a question or two before giving my reasons for the amendment. I should like to ask the Senator from Pennsylvania what is the compensation of those delivering mail in the cities at the present time?

Mr. PENROSE. They are graded; the lowest grade being \$600 and the highest \$1,200.

Mr. McCUMBER. Thank you. I understand that they are graded according to length of service. They average perhaps—

Mr. PENROSE. I should like to correct the Senator in that statement. They are graded on an efficiency record, I understand, promotions being made according to efficiency.

Mr. McCUMBER. Very well. The probabilities are that to 90 per cent at least within a year or two there will be paid \$1,200 per annum for each person engaged in city delivery. I notice that the rural-route delivery men receive all the way from \$540 to \$900 per annum, according to the length of their routes.

This amendment is intended to bring about as near as practicable a proper relation between the compensation paid one class of letter carriers and the compensation paid another class. I can see no good reason why the person delivering in a city, carrying a little sack with him—his only implement or vehicle, and that not even at his expense—should receive a greater compensation than the man who must drive in the country from 15 to 25 miles and must keep at least three horses and in most cases four, who must keep vehicles and must pay for provisions for those horses during that time.

It is safe to say that, considering the number of horses necessary for continuous work during the entire year, on an average four would not be too many. It is safe to say also, Mr. President, that those horses will depreciate in value, used on the road in all kinds of weather, under all conditions, about 20 per cent per year, and that the vehicles used will depreciate about the same amount per year. So the result is, when you get through, that the highest salary of the rural carrier is not more than about \$700. I had an estimate before me some time ago from one of the letter carriers in the country to the effect that during the months of January, February, and March he paid more for horse feed than he got back in salary for the work during that particular period.

I appreciate the fact that the Senator from Pennsylvania is attempting to hold this bill as low as possible, considering the state of the Treasury, but this Congress has been voting pretty large salaries, in very many instances far beyond that which I think just and right; and it seems to me that the proper place to raise a salary should be to the man who is not receiving a proper compensation rather than taking those who are receiving the highest possible compensation. If there is any cutting to be done, it should be done in other lines than in the matter of the



salaries of those who perform the great service in carrying the mails through the country in all times of the year and under all conditions of climatic changes.

If the Senator would visit some of the Western and North-western States during the months of January, February, and March, the periods in which we are likely to have blizzards, and understand and appreciate the courage it takes for a carrier to venture out under such conditions, and the necessary expenses that are connected with those trips which are not taken into consideration, he would agree with me that the rural carriers are grossly underpaid, and that we should do something to raise the price paid for the services of the rural carriers so that their compensation may bear a just relation to that of other mail carriers.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

Mr. ALDRICH. I feel constrained to make the point of order that it is general legislation.

Mr. McCUMBER. I did not understand what the point of order is. The amendment simply provides for the payment of the salaries of certain classes. I can not understand that it is general legislation any more than the whole bill is general legislation.

Mr. ALDRICH. It is an additional item in the appropriation bill not estimated for and not recommended by a standing committee.

Mr. McCUMBER. I did not understand the Senator.

Mr. ALDRICH. It adds to an item in the bill, and it is not estimated for.

Mr. McCUMBER. You may make the point of order on that ground, but not on the ground of general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ARMY APPROPRIATION BILL.

Mr. WARREN. From the Committee on Military Affairs I report back, with amendments, the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, and I submit a report (No. 1035) thereon. I wish to give notice that I shall ask the Senate to take up the bill at the earliest practicable moment.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. LA FOLLETTE. Mr. President, I should like to inquire of the Senator from Wyoming if by that notice he means that the bill will be taken up to-morrow?

Mr. WARREN. I shall be glad to take it up to-morrow, but I expect to wait until the course of business to-morrow may be developed. The bill will be printed.

Mr. LA FOLLETTE. The bill will not be accessible to the members of the Senate until to-morrow?

Mr. WARREN. Not until to-morrow morning.

Mr. LA FOLLETTE. And I would now request the Senator to allow one day for the examination of the bill after it is printed before he takes it up.

Mr. WARREN. Mr. President, I drew the attention of the Senate to the fact that I was reporting it to-night for the purpose of having Senators in the morning and during the early part of the day examine the bill and the report of the committee that accompanies it. I shall not undertake to crowd it early; but I want to get it up, if I can, some time during the day to-morrow and proceed as far as we may, or finish the bill, as the case may be.

Mr. LA FOLLETTE. I inquire if the bill is accompanied by a report?

Mr. WARREN. It is.

Mr. LA FOLLETTE. Is it a report which deals with the subject with some fullness?

Mr. WARREN. First, the report of the House committee will explain the bill as it was reported to the House; second, the report of the Senate committee will show every change made in the bill as it came from the House, giving the different items and the amount of increase or decrease.

Mr. LA FOLLETTE. And the reasons for the change?

Mr. WARREN. The reasons are not given in the report, but the reasons will be forthcoming from time to time from the estimates and from other papers, if they are asked for.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 19, 1909, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 18, 1909.*

##### SECRETARY OF EMBASSY.

Gustave Scholle, of Minnesota, to be third secretary of the embassy of the United States at Berlin, Germany, vice Arthur Orr, appointed to be third secretary of the embassy at London.

#### CONFIRMATIONS.

*Nominations confirmed by the Senate February 18, 1909.*

##### CONSULS.

Dominic I. Murphy to be consul at St. Gall, Switzerland.  
Isaac A. Manning, of Oregon, to be consul at La Guaira, Venezuela.

##### THIRD SECRETARY OF EMBASSY.

A. Campbell Turner to be third secretary of the embassy of the United States at Constantinople, Turkey.

##### UNITED STATES ATTORNEY.

Charlton Reid Beattie to be United States attorney for the eastern district of Louisiana.

##### MEMBER OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa to be a member of the executive council of Porto Rico.

##### ASSOCIATE JUSTICE SUPREME COURT OF HAWAII.

Arthur A. Wilder to be associate justice of the supreme court of the Territory of Hawaii.

##### CIRCUIT JUDGE FOR HAWAII.

Alexander Lindsay, jr., to be second judge of the circuit court of the first circuit of the Territory of Hawaii.

##### POSTMASTERS.

###### CALIFORNIA.

James S. Bridenstine, at Holtville, Cal.  
Eli H. Wells, at Willits, Cal.

###### FLORIDA.

Charles N. Hildreth, jr., at Liveoak, Fla.

###### HAWAII.

Charles A. De Cew, at Waialua, Hawaii.  
Arthur J. Stillman, at Kohala, Hawaii.

###### LOUISIANA.

Lavinia Insley, at Delhi, La.  
Charles Moritz, at Vidalia, La.  
Jacob Plonsky, at Washington, La.

###### NEW YORK.

Hiro J. Settle, at Ballston Spa, N. Y.

###### OREGON.

Edgar Hostetler, at The Dalles, Oreg.

###### PENNSYLVANIA.

Lehman E. Gantt, at Newport, Pa.  
Aaron Hostetter, at Hanover, Pa.  
Lyman L. Shattuck, at Pleasantville, Pa.

###### SOUTH CAROLINA.

Bernhard Levy, at Walterboro, S. C.  
Albert S. Powell, at Piedmont, S. C.

###### WEST VIRGINIA.

William R. Brown, at West Union, W. Va.

###### WISCONSIN.

Charles F. Fine, at Hillsboro, Wis.  
Martin A. Lien, at Black River Falls, Wis.  
Frank J. Wiley, at Hancock, Wis.